

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 32

In the Matter of:

Starbucks Corporation,

Case Nos. 32-CA-298607

19-CA-305406

Respondent,

and

Workers United A/W Service
Employees International Union,

Union.

Place: Oakland, California

Dates: August 14, 2023

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

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STARBUCKS CORPORATION,

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WORKERS UNITED A/W SERVICE
EMPLOYEES INTERNATIONAL UNION,

Union.

Case Nos. 32-CA-298607
19-CA-305406

The above-entitled matter came on for hearing, pursuant to notice, before **ROBERT RINGLER**, Administrative Law Judge, at the National Labor Relations Board, Region 32, Ronald V. Dellums Federal Building and Courthouse, 1301 Clay Street, Suite 300N, Oakland, California 94612-5224, on **Monday, August 14, 2023, 8:58 a.m.**



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A P P E A R A N C E S

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Charles "Max" Pape	21	69	85		43, 47
Michaela Brantingham	88	116	124		
Peter Schultze	146	183			
Kristen Aycock	204	230			225

E X H I B I T SEXHIBITIDENTIFIEDIN EVIDENCE**Joint:**

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1 P R O C E E D I N G S

2 JUDGE RINGLER: All right. We're on the record. Good
3 morning to everyone. This is our Starbucks Oakland case. I'm
4 Judge Ringler. 19-CA-305406 and 32-CA-298607. So I used to
5 say I report to the DC Division of Judges. I'm now a San
6 Francisco judge. So hence, any communications go to that
7 office. That makes it nice and easy. So let's start off with
8 our appearances for the record.

9 For the GC.

10 MS. GOMEZ: Lelia Gomez.

11 MS. MILLER-WALFISH: Ezera Miller-Walfish.

12 JUDGE RINGLER: All right. And for Respondent.

13 MR. GARBER: Noah Garber for Respondent Starbucks.

14 MR. LERNER: Matthew Lerner for Respondent Starbucks.

15 MR. ARCEO: Alvin Arceo for Respondent Starbucks.

16 JUDGE RINGLER: Okay. All right. Thank you, folks.

17 Let's start with our formal papers.

18 And just to be clear for the record, no Charging Party
19 attorney, correct?

20 MS. GOMEZ: Correct.

21 JUDGE RINGLER: We shouldn't expect that person --

22 MS. GOMEZ: Correct, Your Honor.

23 JUDGE RINGLER: -- to appear? Okay.

24 MS. GOMEZ: Yep.

25 JUDGE RINGLER: We can go off for a second --



1 MS. GOMEZ: Sure.

2 JUDGE RINGLER: -- if he needs to tell you something.

3 MS. GOMEZ: Thank you.

4 JUDGE RINGLER: Yeah. It's fine.

5 (Off the record at 8:59 a.m.)

6 JUDGE RINGLER: All right. We're back on. So we were up
7 to our formal papers.

8 Go ahead.

9 MS. GOMEZ: Mr. Garber, I believe, is still reviewing
10 them.

11 MR. GARBER: Yeah. Almost done.

12 JUDGE RINGLER: All right.

13 We can go off the record for a minute. Thank you, Mr.
14 Petty. Appreciate it.

15 (Off the record at 9:01 a.m.)

16 JUDGE RINGLER: And all right. So Respondent's counsel
17 had a chance to review the formal papers, so we're offering GC
18 Exhibit 1.

19 Any objections?

20 MR. GARBER: No objection.

21 JUDGE RINGLER: All right. So we'll admit GC Exhibit 1.

22 **(General Counsel Exhibit Number 1 Received into Evidence)**

23 JUDGE RINGLER: All right. And we've got a -- a notice of
24 intention to amend the complaint that you had mentioned via
25 email. Do you want to deal with that now?



1 MS. GOMEZ: Yes, Your Honor. So if you'd like, the notice
2 of intent to amend is actually included in the formal papers,
3 but --

4 JUDGE RINGLER: Oh.

5 MS. GOMEZ: -- if you'd like, I can read it orally. Or is
6 it sufficient to --

7 JUDGE RINGLER: Where --

8 MS. GOMEZ: -- (indiscernible, simultaneous speech)?

9 JUDGE RINGLER: Where is it? You could identify where it
10 is.

11 MS. GOMEZ: Sure. So it is 1(ab), I believe. One second.
12 Yeah. It's GC Exhibit 1(ab).

13 JUDGE RINGLER: All right. So GC Exhibit 1(a) -- little
14 (a), little (b). All right. And that's the same thing that
15 you emailed me -- no changes --

16 MS. GOMEZ: Correct.

17 JUDGE RINGLER: -- to it?

18 MS. GOMEZ: Correct, Your Honor.

19 JUDGE RINGLER: Okay. So I've got -- I've got the
20 email -- your email in front of me. All right.

21 Did Respondent file an amended answer that I'm not aware
22 of? Do you want to just --

23 MR. GARBER: I thought I'd just orally re --

24 JUDGE RINGLER: -- respond now?

25 MR. GARBER: Yeah.



1 JUDGE RINGLER: Go ahead. Go ahead.

2 MR. GARBER: We just deny the allegations.

3 JUDGE RINGLER: All right. All right. So we're covered
4 there. We've got that. So that was smooth. And thank you for
5 that. All right. Any other preliminary matters, before we
6 start with the opening statements?

7 MS. GOMEZ: Sure. We actually have some joint exhibits
8 that we'd also like to introduce --

9 JUDGE RINGLER: Good.

10 MS. GOMEZ: -- at this time.

11 JUDGE RINGLER: Joint exhibits are good. All right.

12 MS. GOMEZ: So we've been -- the parties, including
13 Charging Party -- we've been able to reach a partial stip, with
14 certain facts in this matter.

15 JUDGE RINGLER: Um-hum.

16 MS. GOMEZ: So that's been previously marked as Joint
17 Exhibit 1, and it has two accompanying documents, which are
18 marked Joint Exhibit 2 and 3, accordingly, so.

19 JUDGE RINGLER: Okay.

20 MR. GARBER: Thank you.

21 MS. GOMEZ: Here's a copy.

22 And then, would you like for me to hand them to the court
23 reporter now or do it all at the end?

24 JUDGE RINGLER: You could give it to him now.

25 MS. GOMEZ: Okay.

1 JUDGE RINGLER: Yeah. That's fine. And then, I'm
2 assuming you're also emailing PDFs to the court reporter, as
3 well?

4 MS. GOMEZ: I wasn't, because I felt that this hard copy
5 would be sufficient, but if --

6 JUDGE RINGLER: Yeah, that'd make it easier --

7 MS. GOMEZ: Okay, great.

8 JUDGE RINGLER: -- if you could do that, please.

9 MS. GOMEZ: So we'll -- we'll go ahead and do that.

10 JUDGE RINGLER: Okay.

11 MS. GOMEZ: And we'll be sure to do that before end of
12 business day.

13 JUDGE RINGLER: Excellent. All right. So why don't we --
14 you're offering your Joint Exhibits 1, 2, and 3.

15 I'm assuming no objections, since it's a joint exhibit?

16 MR. GARBER: No objection.

17 JUDGE RINGLER: All right. So we were going to admit
18 Joint 1, 2, and 3.

19 **(Joint Exhibit Numbers 1, 2 and 3 Received into Evidence)**

20 JUDGE RINGLER: Give me a moment off the record, to just
21 review this very quickly.

22 (Off the record at 9:05 a.m.)

23 JUDGE RINGLER: Okay. Opening statements.

24 MS. GOMEZ: Okay, great. Before I proceed, though, Your
25 Honor, so I -- just to confirm, with respect to the production

1 of documents, so we won't be given any time prior to putting on
2 our first witnesses to assess the completeness of those
3 documents? I just -- I just want to understand. Is that
4 correct?

5 JUDGE RINGLER: Yes.

6 MS. GOMEZ: Okay. That's fine.

7 JUDGE RINGLER: You are correct.

8 MS. GOMEZ: Okay, okay. Just want to make sure. I didn't
9 know if we would be asking for time, but --

10 JUDGE RINGLER: So I -- I do expect, though, you'll guide
11 me, at some point, how much time it might take for you to
12 review the documents.

13 MS. GOMEZ: Yes. Once we've printed them, maybe --

14 JUDGE RINGLER: And then, I'll know if maybe I'll give you
15 a longer period during lunch.

16 MS. GOMEZ: Okay.

17 JUDGE RINGLER: Maybe we'll end at 4.

18 MS. GOMEZ: Okay.

19 JUDGE RINGLER: Maybe we won't, if we're going to finish
20 at 5, and I'll have you, you know, look at the documents
21 tonight. And you can rest tomorrow morning or whatever. So --

22 MS. GOMEZ: Okay.

23 JUDGE RINGLER: Yes. So the precursor is telling me how
24 long you think it's going to take for you to look at them.

25 MS. GOMEZ: Okay. And so on that basis, in the event that

1 I would need to call back my witnesses, with respect to --

2 JUDGE RINGLER: I would probably be game to allow you to
3 do that.

4 MS. GOMEZ: Okay. Just want to confirm.

5 JUDGE RINGLER: Yes.

6 MS. GOMEZ: Okay. Great.

7 JUDGE RINGLER: All right.

8 MS. GOMEZ: Great. Thank you. Your Honor, if I may, I'd
9 like to make an opening statement.

10 JUDGE RINGLER: Of course. Of course.

11 MS. GOMEZ: Thank you. Okay.

12 JUDGE RINGLER: You're welcome.

13 MS. GOMEZ: The cases that you're about to hear strike at
14 the core right enshrined by the Act -- the right afforded to
15 all employees to come together and organize for better working
16 conditions, without interference or coercion from their
17 employer. As the record will make clear, Starbucks
18 Corporation, the Respondent in these matters, violated that
19 right when it launched an aggressive anti-union campaign
20 against one of its stores in the Bay Area.

21 Specifically, the evidence will establish that, during the
22 months leading up to the representation election held on August
23 29th of 2022, at the San Pablo store in San Pablo, California,
24 Respondent subjected employees to mandatory captive audience
25 meetings, where it solicited grievances from employees,

1 promised them upcoming benefits, threatened them with the loss
2 of current benefits if they decided to unionize, implied that
3 their organizing activities were being surveilled, prohibited
4 employees from discussing the Union during working time, and
5 disparaged the Union's most ardent employee organizer.

6 Respondent is a well-known, multi-national corporation
7 that operates a chain of retail coffee houses all over the
8 world, including close to 9,000 stores alone in the United
9 States. And it has now become well-known for the anti-union
10 views of its CEO and its widespread misconduct and proclivity
11 to violate the Act, designed to interfere with union-organizing
12 campaigns at its stores nationwide.

13 Its widespread misconduct and proclivity to violate the
14 Act was most recently cited in a July 31st, 2023, ALJD case
15 numbered 20-CA-298282, where, in footnote 15, the ALJ listed
16 the extensive decisions finding that Starbucks interfered with
17 employees' section 7 rights, including the following cases:
18 18-CA-293653, 03-CA-285671, 07-CA-293714, 27-290551,
19 19-CA-290905, 18-CA-299560, 13-CA-96145, 15-CA-290336.

20 And since then, on August 8th, 2023, in another case,
21 numbered 20-CA-296184, an ALJ found that Respondent further
22 violated the Act by threatening and soliciting grievances from
23 employees during a union-organizing campaign. The next day, on
24 August 9th, the Board issued its decision in case 372 NLRB No.
25 122, finding that Respondent unlawfully discharged an employee

1 from an Ann Arbor, Michigan store, in violations of sections
2 8(a)(3) and 4 of the Act.

3 Then, the following day, on August 10th, an ALJ in another
4 matter, case 04-CA-294636, found that Respondent, at its
5 Philadelphia stores, committed multiple ULPs, including
6 threatening and terminating employees in retaliation for their
7 union activities, as well as for maintaining a work rule titled
8 "How We Communicate", which required professional and
9 respectful language and prohibited the use of vulgar, profane
10 language, under Stericycle.

11 Much in the same manner, this pattern of widespread
12 corporate interference with employees' section 7 rights to
13 support a union played out at the San Pablo store. The
14 evidence from this case will show that, between April 25 and
15 June 15, 2022, the time period leading up to the filing of the
16 representation petition at the San Pablo store, Respondent
17 engaged in numerous illegal tactics which interfered with
18 employees' organizing efforts.

19 A key tactic during this time period was to increase the
20 presence of P. Schultze, a high-level district manager, whose
21 presence at the San Pablo store was a rare occurrence prior to
22 the organizing drive. Throughout this critical period, he made
23 numerous visits, during which he subjected employees to
24 mandatory captive audience meetings during their working time,
25 where he imposed Respondent's unsolicited anti-union views on

1 them, promised them new benefits, and threatened them with the
2 loss of existing benefits if they were to unionize.

3 Mr. Schultze, however, did not act alone in his efforts to
4 derail employees' organizing efforts, as this was a coordinated
5 response from Respondent. At other times, Store Manager
6 Kristen Aycock also subjected employees to captive audience
7 meetings, where she, too, imposed Respondent's anti-union views
8 on employees, as well as solicited grievances from them,
9 threatened them with the loss of existing benefits, implied
10 that Respondent was surveilling their union activities, and
11 disparaged the Union and the collective bargaining process
12 altogether.

13 Notably, during a captive audience meeting held with a
14 select group of employees, Ms. Aycock attempted to enlist these
15 very employees in her own illicit activities, to encourage
16 employees to refrain from engaging in organizing cam --
17 activities.

18 This included discussing -- prohibiting the discussion of
19 the Union during working time, as well as threatened employees
20 with the loss of existing benefits if they unionized, implied
21 that the Respondent was surveilling their union activities,
22 admitted to having removed pro-union literature from the back
23 of the house, and disparaged the Union's lead employee
24 organizer, by discrediting their pro-union views,
25 mischaracterizing their organizing activity as illegal, and

1 then solicited those same employees in her quest to restrain
2 that lead employee organizer from further organizing at the San
3 Pablo store.

4 Assistant Store Manager Juvenal Pena also joined Ms.
5 Aycock and Mr. Schultze in their efforts to quell employees'
6 efforts. He, too, participated in the previously described
7 captive audience meeting that Ms. Aycock held with employees.
8 And like Ms. Aycock, he also threatened employees.
9 Specifically, he told employees that he would report them if he
10 were to catch them discussing the Union.

11 Mr. Pena later interfered with employees' union activities
12 when he interrupted a conversation an off-the-clock employee
13 was having with another employee about their unionizing efforts
14 and told them that they could not discuss the Union.

15 It is not surprising that many of these unlawful standings
16 parrot the views expressed in a Respondent-maintained website
17 called One.Starbucks.com, which Respondent directs employees to
18 view. The complaint alleges that statements maintained on that
19 website are unlawful under section 8(a)(1) of the Act, as it
20 purposefully misleads employees about their rights under the
21 Act and denigrates the Union with false information.

22 In time, however, Respondent's tactics proved to be
23 successful. After what started as an enthusiastic organizing
24 campaign at the San Pablo store, in the end, only three
25 employees voted to unionize, and the Union lost the

1 representation election on August 29th.

2 While other stores across the country have since continued
3 to unionize, the Union's defeat at the San Pablo store is a
4 sobering reminder of the chilling effects that Respondent's
5 illegal tactics can have on employees' section 7 rights. For
6 that reason, Respondent's conduct cannot go unnoticed, let
7 alone unaccounted for. If not, Respondent will continue to
8 employ the same blueprint at other stores across the country,
9 as part of its ongoing efforts to defeat union organizing.

10 As the record will make clear, Respondent's conduct
11 explicitly interfered with employees' section 7 rights, and
12 thus, Respondent must be held accountable. To ignore what
13 happened in these cases would attack the nature of the
14 fundamental rights afforded by the Act, and that simply cannot
15 stand.

16 JUDGE RINGLER: Thank you.

17 Counsel?

18 MR. GARBER: I'm going to turn it over to Alvin.

19 JUDGE RINGLER: All right.

20 MR. ARCEO: Your Honor, if we may proceed with our
21 opening?

22 JUDGE RINGLER: Please.

23 MR. ARCEO: Your Honor, words matter. No truer is that
24 sentiment than in this case. Words in their fullest context,
25 objectively reviewed, in the totality of the circumstances,

1 without regard to subjective interpretations and not
2 cherry-picked or taken out of context.

3 Here, the General Counsel has alleged a laundry list of
4 section 8(a)(1) violations -- approximately 27, by my count.
5 As noted by the most recent amendments to the complaint, when
6 these statements allegedly occurred appears less clear now than
7 when the complaint issued many, many months ago.

8 Regardless of the quantity of allegations, we'll ask Your
9 Honor to focus on the quality of the evidence, that is, the
10 specificity of which witnesses can testify as to what was
11 allegedly said, while keeping in mind the full context.

12 The General Counsel has alleged numerous implied threats,
13 actual threats, and statements of futility. When reviewed
14 objectively and in their full context, the evidence will show
15 that Starbucks made no unlawful statements, implied or
16 otherwise.

17 And we will ask you to listen to those exact words used --
18 not what the witnesses interpreted them as, not a summary of
19 what witnesses were told, but the actual words exchanged. And
20 to the extent that the General Counsel's witnesses fail to
21 testify with particularity or rely on vagaries, it goes without
22 saying that such testimony cannot sustain a section 8(a)(1)
23 violation.

24 With regard to the GC's impression of surveillance --
25 impression of surveillance allegations, again, words matter.

1 The evidence will show that Starbucks did not create any
2 impressions of surveillance. Rather, partners approached
3 managers on their own volition, to talk to managers about store
4 activities.

5 Managers at the San Pablo Starbucks, also known as El
6 Portal, did not seek out information or inquire further. When
7 partners approach management and speak first, it can hardly be
8 considered coercive, let alone creating an impression of
9 surveillance.

10 The General Counsel has further alleged that Starbucks
11 unlawfully held captive audience meetings. As we all well
12 know, those types of meetings are lawful under extant law and
13 were lawful at all material times to this matter.

14 Even setting that aside and further setting aside
15 Starbucks' section 8I right to freedom of speech, the words you
16 will hear will tell you that there is nothing captive about
17 these meetings. Partners were free to leave. Partners were
18 free to speak their truth. The meetings were voluntary. There
19 were no repercussions if they didn't attend. Under such
20 circumstances, partners were hardly held captive.

21 With regard to alleged unlawful -- with regard to language
22 alleged as unlawful in the Region 19 case, including the
23 One.Starbucks website, the words speak for themselves -- that
24 is, the words in the entirety of the articles they were in,
25 viewed objectively in their full context, not cherry-picked

1 statements as laid out in the complaint. You will find the
2 evidence shows nothing wrong was said.

3 In this hearing, the words previously used by Starbucks
4 will also matter. There will be evidence as to how Starbucks
5 operated prior to the Union's organizing activities in El
6 Portal. In this regard, the General Counsel has alleged that
7 Starbucks managers solicited grievances and promised to remedy
8 those.

9 This totally ignores Starbucks' extensive past and current
10 practice of meeting with partners and soliciting feedback at
11 all levels, which long pre-dates any union campaign and is thus
12 lawful, regardless of the standard the GC urges you to review
13 on brief.

14 Similarly, the GC has alleged Starbucks coercively gave
15 partners a T-shirt. Putting aside that that must be one hell
16 of a T-shirt, the evidence will show that Starbucks has a long
17 history with regard to giving partners these types of shirts,
18 and the shirts had nothing to do with organizing.

19 In sum, when objectively reviewed, none of the conduct
20 alleged here amounts to a violation of the Act. Thank you,
21 Your Honor.

22 JUDGE RINGLER: Thank you, as well.

23 Just catching up on something on my notes, and then we'll
24 start with our first witness.

25 MR. GARBER: I'm sorry. I have one housekeeping matter --

1 JUDGE RINGLER: Sure.

2 MR. GARBER: -- Judge.

3 JUDGE RINGLER: Go ahead.

4 MR. GARBER: This is really just a due process issue.

5 And -- and I'm going to talk about the General Counsel, but
6 it's the General Counsel in DC. And I understand that the
7 General Counsel has initiatives to change current law. And I
8 get the captive audience issue.

9 But I think, as a matter of due process, we're entitled to
10 know, are there any other issues in this hearing in which the
11 General Counsel is seeking to establish -- or to overturn
12 established law, with regards to the facts that we're dealing
13 with? And I'm really, specifically, looking at the
14 solicitation of grievance meetings in the Walmart case.

15 JUDGE RINGLER: Counsel?

16 MS. GOMEZ: I would need to get back to you on that.

17 JUDGE RINGLER: Okay. Okay.

18 MR. GARBER: I would just --

19 JUDGE RINGLER: She'll get back to us.

20 MR. GARBER: Yeah, okay.

21 JUDGE RINGLER: Yeah.

22 MR. GARBER: I would just say that we -- I, you know -- I
23 think we have a right to know what target we're trying to hit.
24 That's all.

25 JUDGE RINGLER: Um-hum. All right. Thank you, sir.

1 MR. GARBER: Um-hum.

2 JUDGE RINGLER: So let's go off for just a moment, and
3 then we'll retrieve our first witness.

4 (Off the record at 9:19 a.m.)

5 JUDGE RINGLER: All right. Got our first witness for the
6 GC. So who do we have?

7 MS. GOMEZ: Your Honor, at this time, I'd like to call Max
8 Pape -- I'm sorry -- Charles "Max" Pape.

9 JUDGE RINGLER: All righty. So first and foremost, please
10 raise your right hand.

11 Whereupon,

12 **CHARLES "MAX" PAPE**

13 having been duly sworn, was called as a witness herein and was
14 examined and testified as follows:

15 JUDGE RINGLER: All right. And can you spell your name
16 for the record -- first and last?

17 THE WITNESS: Yes. It's Charles Pape, C-H-A-R-L-E-S,
18 P-A-P-E.

19 JUDGE RINGLER: P-A-P-E?

20 THE WITNESS: Yes.

21 JUDGE RINGLER: Perfect. All righty.

22 Counsel, your witness.

23 MS. GOMEZ: Thank you, Your Honor.

24 JUDGE RINGLER: You're welcome.

25 **DIRECT EXAMINATION**



1 Q BY MS. GOMEZ: As you know, my name's Lelia Gomez, and I'm
2 an attorney with the National Labor Relations Board. I'll ask
3 you a series of questions this morning. First of all, what is
4 your preferred gender pronoun?

5 A She and her.

6 Q And in addition to Charles, do you go by any other
7 aliases?

8 A Yes. Max.

9 Q And are you familiar with Starbucks Corporation?

10 A Yes.

11 Q Moving forward, I will refer to Starbucks as the Employer.
12 And what kind of business does the Employer operate?

13 A They operate coffee shops across the nation and
14 internationally.

15 Q And are you currently employed by the Employer?

16 A No.

17 Q Have you ever worked for the Employer?

18 A Yes.

19 Q And when was that?

20 A Beginning in August 2009 to August 2014, I worked at a
21 store in West Babylon, New York. And from August 2014 through
22 November 2019, I worked at a store on Brannan Street in San
23 Francisco. And then, from December 2019 through January 2020,
24 I worked at a store on King Street in San Francisco. And last,
25 from January 2022 through September '22 -- '22, I worked at a

1 store in San Pablo, California.

2 Q And that most recent location that you worked at -- what
3 was the exact address of that store?

4 A 14330 San Pablo Avenue.

5 Q I'm going to refer to that store as the San Pablo store.
6 What was your job title while working at the San Pablo store?

7 A Barista.

8 Q And what were your job duties there?

9 A I was to take customer orders and payment, prepare food
10 and beverages, and to clean.

11 Q And what was your schedule?

12 A I worked Wednesdays and Fridays, from 11 a.m. till 4 p.m.;
13 Saturdays, from 5 a.m. till 9 a.m.; and Sundays, from 5 a.m.
14 till 1 p.m.

15 Q Approximately how many hours a week did you work?

16 A Around 25 hours.

17 Q And do you know the store hours of the San Pablo store
18 while you were there?

19 A I believe they were open from 5 a.m. till 9 p.m.

20 Q Approximately how many people worked there?

21 A Around 33 people.

22 Q And what are the different job classifications at the San
23 Pablo store?

24 A There's baristas, shift supervisors, assistant store
25 manager, and a store manager.

- 1 Q Who was the store manager during your time there?
- 2 A Kris Aycock.
- 3 Q And does Ms. Aycock go by any other names?
- 4 A Kristen.
- 5 Q And who was the assistant store manager during that time?
- 6 A Juvenal Pena.
- 7 Q And does Mr. Pena go by any other aliases?
- 8 A Yes. Juve.
- 9 Q How many shift supervisors worked there during that time?
- 10 A Six.
- 11 Q And do you know the duties of the shift supervisor?
- 12 A They assist the baristas with their duties. In addition,
- 13 they do cash management and inventory management.
- 14 Q How many baristas worked at the San Pablo store during
- 15 your time there?
- 16 A Around 25.
- 17 Q Was there also a district manager?
- 18 A Yes.
- 19 Q And who was that?
- 20 A It was Pete Schultze.
- 21 Q And do you know the duties of the district manager?
- 22 A Yes. He oversees all the stores in the district.
- 23 Q And does the district manager routinely work out of a
- 24 single store?
- 25 A No.

1 Q Could you describe the layout of the San Pablo store?

2 A Yes. When you go in the front door, on the right-hand
3 side, in the corner, there's a large table with several stools.
4 Then, along the wall, there's long bench seating, with several
5 tables in front of it. At the end of that bench, there's two
6 restrooms. Along the left-hand side, there's first a series of
7 windows arranged around a corner, with tall tables and stools
8 in front of those.

9 Going past that is the -- a long counter, where the cash
10 register is, espresso machines, refrigerators, and cabinets.
11 At the end of that is the door to the back room, where there's
12 two large refrigerators and a freezer, a computer on a desk for
13 the back office, several shelves of product, a
14 three-compartment sink, and a mop sink.

15 Q Is there also a drive-through there?

16 A Yes. On the left-hand side, just before you enter the
17 back room, there's a small area with a window and a cash
18 register for the drive-through.

19 Q Is the San Pablo store a unionized facility?

20 A No.

21 Q Did employees try to unionize the San Pablo store?

22 A Yes.

23 Q And when was that?

24 A Beginning in April 2022.

25 Q And what's the name of the union that was involved in that

1 effort?

2 A Starbucks Workers United.

3 Q Moving forward, I will refer to Starbucks Workers United
4 as the Union. Do you know who initiated that organizing
5 campaign?

6 A Yes, I did.

7 Q And why did you decide to organize the San Pablo store?

8 A For all -- after all the years of working for Starbucks,
9 there had been a trend of increasing responsibilities on
10 employees, while consistently reducing the number of hours
11 given to us to perform those duties, as well as a stagnating
12 rate of pay.

13 Q At the time, were you aware of other organizing across the
14 country?

15 A Yes. After hearing about several stores across the
16 country that had successfully organized with Workers United, I
17 was inspired that that could help to resolve the issues I had
18 had working there.

19 Q And when did you initiate the organizing campaign?

20 A On April 20th.

21 Q And what happened on April 20th?

22 A I overheard a conversation another employee was having,
23 where he was describing an email he sent to the district
24 manager, after he had a particularly difficult shift, where
25 they just didn't have enough labor coverage, and there was just

1 too much to do.

2 And I shared that, in my experience with the company,
3 those sorts of individual requests went unanswered and that, if
4 we instead sought a union, we could have a say in rectifying
5 all of these -- these conditions and more.

6 Q Who was the first person to contact the Union?

7 A I was.

8 Q And when did you do that?

9 A The same day, on April 20th, 2022.

10 Q How about after you reached out to the Union? Did you
11 continue to talk to employees about unionizing?

12 A Yes.

13 Q Do you know Michaela Brantingham?

14 A Yes, I do.

15 Q And who is she?

16 A She was a shift supervisor while I worked at the San Pablo
17 store.

18 JUDGE RINGLER: Michaela -- what is the last name?

19 MS. GOMEZ: Brantingham. Would you like for me to spell
20 that out?

21 JUDGE RINGLER: If you could --

22 MS. GOMEZ: Sure.

23 JUDGE RINGLER: -- please. Thank you.

24 MS. GOMEZ: So that's B-R-A-N-T-I-N-G-H-A-M.

25 JUDGE RINGLER: Okay. Thank you.



1 Do you want her to ask the question again?

2 THE WITNESS: Oh.

3 JUDGE RINGLER: Or maybe you answered the question.

4 THE WITNESS: Sure.

5 MS. GOMEZ: I said how she knew her, and if I'm correct,
6 Ms. Pape replied that she was a shift supervisor who she used
7 to work with.

8 Q BY MS. GOMEZ: And so my next question will be, did you
9 ever talk to Ms. Brantingham about the Union?

10 A Yes, I did.

11 Q When was the first time that you talked to her about the
12 Union?

13 A The first time was on April 22nd.

14 Q And where did you speak with her?

15 A It was in the back room of the store.

16 Q And what did you tell Ms. Brantingham about the Union?

17 A I'd heard her having a conversation with another employee
18 about the previous store manager who worked at that store and
19 some difficult situations that they were in with that store
20 manager. And I shared that -- about the organizing that had
21 been going on throughout the country with Starbucks Workers
22 United and shared that, if we also sought to unionize, that we
23 could prevent any conditions like that from ever arising again.

24 Q Was anybody else present for that conversation?

25 A Yes.

1 Q Who was present?

2 A Stephani Sanchez.

3 Q And who is Ms. Sanchez?

4 A She was another shift supervisor at that store.

5 Q Approximately how many other employees did you talk to
6 about the Union?

7 A Around 21 other employees.

8 Q Over what period of time did you talk to them about the
9 Union?

10 A There was an initial period of about four weeks, leading
11 up to issuing authorization cards. And then, I continued to
12 talk to employees -- four weeks through May -- and then
13 continued to talk to employees up until the vote in August.

14 Q And where did you talk to these employees about the Union?

15 A Either in the lobby, while we were on a break, or
16 throughout the store, while we were working together.

17 Q And was management ever present for any of those
18 conversations?

19 A Yes.

20 Q When?

21 A One morning, in the middle of May, I was working at the
22 front register with another employee. And she started asking
23 me about the Union. She was interested to know more. And so I
24 shared with her some of the things I thought that we could
25 improve, like having at least a \$20 hourly wage and -- and more

1 labor hours for ourselves. And during that conversation, Kris
2 was seated at one of the tables by the windows in the front of
3 the store.

4 Q Approximately how far away was Ms. Aycock from you?

5 A Probably about six feet.

6 Q Was she within earshot?

7 A Yes, she was.

8 Q In addition to talking to employees, did you also
9 distribute and collect authorization cards?

10 A Yes, I did.

11 Q And when did you do that?

12 A Beginning on May 28th.

13 Q And afterwards, did the Union file a representation
14 petition with the NLRB?

15 A Yes.

16 Q And do you know when that petition was filed?

17 A It was around June 15th.

18 Q And following the filing of that petition, was an election
19 held?

20 A Yes.

21 Q And what kind of election was that?

22 A It was a mail-in-ballot election.

23 Q And do you know when the ballots were first mailed out to
24 employees?

25 A Yeah, Aug -- August 5th.



1 Q And approximately how long did employees have to return
2 those ballots?

3 A Three weeks, until August 26th.

4 Q Do you know when the ballot count was held?

5 A Yes, on August 29th.

6 Q And where was that count held?

7 A It was held remotely, over Zoom.

8 Q Were you present for that count?

9 A Yes, I was.

10 Q Did the Union win that election?

11 A No.

12 Q Do you know the final tally of that election?

13 A It was 3 yes, 11 no.

14 Q Prior to the filing of the representation petition, did
15 you see Mr. Schultze at the San Pablo store?

16 A Yes, I did.

17 Q Approximately how many times?

18 A Around ten times.

19 Q Do you recall when was the first time you saw him at the
20 store?

21 A Yes. It was on April 25th.

22 Q And what happened that day?

23 A We had a full staff meeting at the store.

24 Q And where did that meeting take place?

25 A In the lobby at the store.



1 Q Do you recall the time?

2 A It was around 7 p.m.

3 Q Did you receive any prior notice of that meeting?

4 A Yes, we did.

5 Q And who gave you -- who informed you about that meeting?

6 A Kris did.

7 Q And what did Ms. Aycock tell you about that meeting?

8 A She said that we were going to discuss the upcoming summer
9 promotion and also to celebrate meeting a recent sales goal at
10 the store.

11 Q And how much notice did she give you, prior to that
12 meeting?

13 A It was -- it was several weeks. I think she told us
14 around April¹ 9th.

15 Q And who was present for the meeting?

16 A The majority of the staff at the store, including Kris and
17 Juve.

18 Q Approximately how many people were there?

19 A About 30 people.

20 Q And who started that meeting?

21 A Kris did.

22 Q And what did she tell everyone?

23 A We began with introductions, as there were recently around
24 ten new employees that were hired at the store. And then, Kris
25 started with talking about the company's mission statement and

1 values. And then, she played a video for us on the laptop.

2 Q Do you recall the contents of that video?

3 A No, I don't.

4 Q So what happened after that video ended?

5 A Around that time, Pete arrived at the store, and he took
6 over leading the meeting.

7 Q And what did Mr. Schultze tell employees?

8 A He handed out a document detailing all of the benefits
9 offered by the company and started going through all the
10 benefits.

11 Q What are the benefits that he described?

12 A It was sick pay, vacation time, health insurance, free
13 college tuition through ASU, and employee stock benefits.

14 Q Did Ms. Aycock say anything about employee benefits during
15 the meeting?

16 A Yes. When Pete introduced the stock benefits, Kris shared
17 that she was able to utilize the stock she received from the
18 company to purchase a home for herself.

19 Q In addition to distributing that one-page handout
20 regarding the benefits, did Mr. Schultze distribute anything
21 else to employees?

22 A Yes. He and Kris handed out these green T-shirts that are
23 normally given out for community service events that Starbucks
24 holds. And they told us that, normally, the company doesn't
25 give them out for free outside of those events, and so that

1 they paid for them themselves.

2 Q And during this meeting, did either Ms. Aycock or Mr.
3 Schultze ask employees if they had any issues at the store?

4 A Yes. Towards the end of the meeting, Kris asked the --
5 everyone present if we had any concerns or challenges that we
6 wanted to address. And several employees brought up having too
7 few labor coverage, when other employees would not show up for
8 their shifts that day.

9 Q And did Ms. Aycock or Mr. Schultze respond to those
10 concerns?

11 A Yes. Kris told us that it's everyone's individual
12 responsibility to show up for all of your scheduled shifts, and
13 that's the best way to prevent any shortages from happening.

14 Q At any point during that meeting, did either Ms. Aycock or
15 Mr. Schultze bring up the summer training?

16 A No.

17 Q How about the performance goals?

18 A There was some acknowledgement. They provided pizza for
19 the staff and -- as a celebration of them, but there wasn't
20 much discussion after that.

21 Q How long did the meeting last?

22 A About an hour.

23 Q Prior to that meeting, have you ever participated in a
24 meeting with Mr. Schultze where you discussed employee benefits
25 and employee concerns at the San Pablo store?

1 A No.

2 Q Prior to that meeting, had you participated in a meeting
3 with any district manager where you discussed employee benefits
4 and employee concerns at any of the other Starbucks stores you
5 previously worked at?

6 A No.

7 Q How about with Ms. Aycock? Prior to that meeting, had you
8 participated in a staff meeting with her where employee
9 benefits and employee concerns were discussed at the San Pablo
10 store?

11 A No.

12 Q Prior to that meeting, had you participated in any meeting
13 with any manager where they discussed employee benefits and
14 employee concerns at the San Pablo store?

15 A Yes.

16 Q And -- and when was that?

17 A In January 2022, when I was being hired for the San Pablo
18 store, I had a meeting with another manager named Hannah, where
19 we went over all of the benefits offered by the company.

20 Q And where was that meeting held?

21 A It was held over Zoom.

22 Q And who was present for that meeting?

23 A Just myself and Hannah.

24 Q Was that part of your onboarding process?

25 A Yes.



1 Q Prior to that meeting, had you participated in any staff
2 meeting with any store manager where you discussed employee
3 benefits and employee concerns at any of the other Starbucks
4 stores where you previously worked at?

5 A Yes, I had.

6 Q And where was that at?

7 A At the store on Brannan Street in San Francisco and at the
8 store in West Babylon, New York.

9 Q Okay. Starting with the Brannan Street store in San
10 Francisco, what was your job title while working there?

11 A Shift supervisor.

12 Q In what kind of staff meetings did you participate with
13 the store manager at the Brannan Street store?

14 A I participated in shift supervisor meetings.

15 Q And what are shift supervisor meetings?

16 A That's where all of the shift supervisors in the store
17 meet together with the manager to discuss the store's
18 performance and the manager's vision and goals for the store.

19 Q And how often were those meetings at the Brannan Street
20 store?

21 A It would depend on the manager. I had several managers
22 there. Some never held these meetings at all. And others held
23 them maybe once every three or four months.

24 Q And you mentioned that you also participated in staff
25 meetings with the store manager at the West Babylon store in

1 New York. During your time working at the West Babylon store,
2 what was your title?

3 A Shift supervisor.

4 Q In what kind of staff meetings did you participate with
5 the store manager?

6 A Again, shift supervisor meetings.

7 Q And who participated in those meetings?

8 A Just the -- all the shift supervisors and the store
9 manager.

10 Q And just for clarification, I realize I didn't ask you
11 that question with respect to the Brannan Street store. Who
12 participated in those meetings?

13 A Yeah. The shift supervisors and the store manager.

14 Q So returning your attention to the West Babylon Street
15 store, during the shift supervisor meetings at that store, what
16 were those meetings about?

17 A Also to discuss store's performance and the manager's
18 goals and vision.

19 Q And during those meetings, did the store managers ever ask
20 em -- the shift supervisors present, did they have any issues
21 or concerns at the store?

22 A Yes, they did.

23 Q And how often were those meetings?

24 A At that store, they were about once every six months.

25 Q Okay. Did you ever participate in any shift supervisor

1 meetings at the San Pablo store?

2 A No, I didn't.

3 Q Ordinarily, when you had an issue or concern at the San
4 Pablo store, how did you go about in raising that issue?

5 A I'd bring it up directly to a shift supervisor or Kris or
6 Juve.

7 Q Did Ms. Aycock ever ask you directly if you had any issues
8 or concerns at the store while you worked there?

9 A No.

10 Q How about Mr. Schultze?

11 A No.

12 Q Following the April 25th meeting with Ms. Aycock and Mr.
13 Schultze, did you discuss the contents of that meeting with
14 anyone?

15 A Yes, I did.

16 Q And who did you discuss that meeting with?

17 A With Michaela.

18 Q And what did you tell Ms. Brantingham about that meeting?

19 A I shared that I thought it was kind of odd that we didn't
20 ultimately discuss the summer training and instead went over
21 all these benefits that were well-known to many of us at the
22 store. And I said that I thought that it was potentially a way
23 for the company to get ahead of any unionizing, to --
24 highlighting all of the different benefits offered to us and
25 trying to show us how good we have it there at the store.

1 Q And when did you have that conversation with her?

2 A Sometime in the week following that meeting.

3 Q And following that April 25th meeting, did you continue to
4 see Mr. Schultze at the San Pablo store?

5 A Yes, I did.

6 Q When was the next time that you saw him at the store?

7 A It was on May 2nd.

8 Q And what did you see him do that day?

9 A He had meetings with the three different employees,
10 sometimes with Kris sitting in on the meetings, sometimes just
11 the two of them.

12 Q And where did you see those meetings take place?

13 A In the lobby at the store.

14 Q Did you meet with Mr. Schultze that day?

15 A No, I didn't.

16 Q How long do you recall seeing Mr. Schultze at the store
17 that day?

18 A Around four hours.

19 Q After that visit, did you continue to see Mr. Schultze at
20 the store?

21 A Yes, I did.

22 Q How many additional more times did you see him?

23 A I saw him about six times over the next two weeks, and
24 then a small number -- maybe four times -- after that.

25 Q And those latter visits -- that was during what time



1 period?

2 A From middle of May until the end of August.

3 Q And during these visits, what would you see Mr. Schultze
4 do?

5 A He would have individual meetings with members of the
6 staff.

7 Q And how do you know that those meetings were taking place?

8 A I saw them meeting.

9 Q And where would those meetings take place?

10 A In the lobby at the store.

11 Q And on average, how long were those visits?

12 A Around four hours each time.

13 Q Did you ever meet with Mr. Schultze?

14 A Yes, I did.

15 Q And when did you meet with him?

16 A On May 14th.

17 Q And do you recall the time of that meeting?

18 A It was around 11 a.m.

19 Q And where did your meeting take place?

20 A In the lobby of the store.

21 Q And who was present for that meeting?

22 A Just myself and Pete.

23 Q Who initiated that meeting?

24 A Pete did.

25 Q And what did Mr. Schultze tell you during that meeting?

1 A He again went over all of the benefits offered by the
2 company, including the specific transgender medical benefits,
3 and he offered to connect me with someone who could help me
4 access those.

5 And then, he gave me a sheet of paper with the detailed
6 upcoming changes the company was planning to make to the
7 benefits, including raising the minimum wage in all stores to
8 \$15 an hour or raising it higher in stores that were already
9 making at least \$15 an hour, and also that they were planning
10 on reducing the total number of hours that you needed to work
11 to be eligible for medical benefits.

12 Q Did he tell you when those raises would go into effect?

13 A Yes. The -- the raises were planned for August of that
14 year, and they were considering trying to move that up, after
15 discussing it with some employees.

16 Q Was there any discussion regarding labor hours?

17 A Yes. Just that they were going to reduce the number of
18 hours one had to work for the -- to receive medical benefits.

19 Q How about unions? Were unions discussed?

20 A Yes. He said that, if any stores start a petition
21 process, they would not be eligible for any of these upcoming
22 changes to the benefits at the store, including the raise in
23 pay. He said that they were not able to make any unilateral
24 changes to stores that began a petition process and that they
25 had to comply with the law. And he wanted me to know that, if

1 we did begin a petition and we didn't receive the raise, that
2 this would not be retaliation.

3 Q Was there any discussion regarding employees' ability to
4 transfer to other stores?

5 A Yes. He said that he could not guarantee that we would
6 retain the ability to transfer stores or to work as a borrowed
7 partner for a single shift in another store, if we began a
8 petition process.

9 Q What else do you recall from this meeting?

10 A We then also discussed my previous history with the
11 company and the reasons why I left and decided to come back.

12 Q And you mentioned that, on that form that he provided you,
13 there was a -- a list of employee benefits and when they would
14 be coming in the future. Was there any discussion about those
15 benefits that were not necessarily outlined with a specific
16 date?

17 A Yes. There was a section on that paper detailing changes
18 that were coming sometime past November but didn't have an
19 implementation yet. And he said that, as well, we would not be
20 eligible for any of those changes if we began a petition
21 process.

22 Q How long did that meeting last?

23 A About half an hour.

24 Q At any point during that meeting, did Mr. Schultze tell
25 you that that meeting was voluntary?

1 A No.

2 Q At any point during that meeting, did Mr. Schultze tell
3 you that you would not be retaliated against if you did not
4 participate in that meeting?

5 A No.

6 Q Ms. Pape, I'm showing you a document that has been
7 previously marked GC Exhibit 2. This document contains an
8 image. Do you recognize this image?

9 A Yes, I do.

10 Q And what is this an image of?

11 A This is the document he shared during that meeting.

12 Q And is that a true and accurate depiction of the document
13 that Mr. Schultze shared with you during that meeting?

14 A Yes, it is.

15 MS. GOMEZ: Your Honor, at this time, I move to introduce
16 GC Exhibit 2 into the record.

17 JUDGE RINGLER: Objection? Voir dire?

18 THE WITNESS: Sorry? Oh.

19 MR. LERNER: Very, very briefly.

20 **VOIR DIRE EXAMINATION**

21 Q BY MR. LERNER: Just to confirm, this is the exact
22 document that you've seen?

23 A Yes.

24 Q This was the document that was provided to you in the
25 meeting just pre -- currently being discussed?

1 A Yes.

2 MR. LERNER: No -- no objection.

3 JUDGE RINGLER: All right. So GC-2 is admitted.

4 **(General Counsel Exhibit Number 2 Received into Evidence)**

5 **RESUMED DIRECT EXAMINATION**

6 Q BY MS. GOMEZ: Do you know if Mr. Schultze met with other
7 employees that day?

8 A Yes. He met with one other employee that day.

9 Q And how do you know that?

10 A I saw them having a meeting.

11 Q And where did that meeting take place?

12 A In the lobby of the store.

13 Q How long was Mr. Schultze in the store that day?

14 A About four hours.

15 Q Following your meeting with Mr. Schultze, did you discuss
16 its contents with anyone?

17 A Yes, I did.

18 Q And who did you talk to about that meeting?

19 A About 20 other employees.

20 Q And over the course of what time period?

21 A Over the course of about two weeks.

22 Q And what did you tell those employees?

23 A I told them that Pete was going over all these benefits in
24 order to show us all that the -- how good of a company
25 Starbucks is to work for and to essentially convince us that we

1 don't need to make any changes to any conditions at the store.

2 But I shared that I felt that the company doesn't live up
3 to its promises regard -- especially regarding pay and to labor
4 hours, and that if -- in order to secure better conditions for
5 ourselves and to have a say in these conditions, that we should
6 seek a union.

7 Q Where did you have these conversations with employees?

8 A Either in the lobby at the store, while we were on a
9 break, or throughout the store, while we were working together.

10 Q As a result of these conversations with employees, did you
11 take any additional concrete actions towards unionizing?

12 A Yes, I did.

13 Q And what did you do?

14 A I began to distribute authorization cards.

15 Q And when did you distribute those cards?

16 A Beginning on May 28th.

17 Q Did anybody help you distribute those cards?

18 A No.

19 Q Initially, how many cards did you collect?

20 A 23 cards.

21 Q Did any employees ask for their cards back?

22 A Yes, four did.

23 Q So how many cards did you ultimately collect?

24 A 19.

25 Q During the organizing drive, did you wear a union pin?

- 1 A Yes, I did.
- 2 Q And when did you wear that pin?
- 3 A Beginning on June 15th.
- 4 Q And how often would you wear that pin?
- 5 A Every day I worked, after that point.
- 6 Q Did you distribute any pins to anyone?
- 7 A Yes, I did.
- 8 Q And who did you distribute pins to?
- 9 A Around ten other employees.
- 10 Q Did anybody else distribute pins?
- 11 A No.
- 12 Q Did you ever wear your pin in the presence of Ms. Aycock?
- 13 A Yes, I did.
- 14 Q How about Mr. Pena?
- 15 A Yes.
- 16 Q And where did you wear -- I -- I -- yeah, when did you
- 17 wear your pin in their presence?
- 18 A Anytime that we worked together, after June 15th.
- 19 Q Ms. Pape, I am showing you a document that has been
- 20 previously marked GC Exhibit 3. This contains an image. Do
- 21 you recognize this image?
- 22 A Yes.
- 23 Q And what is this an image of?
- 24 A This is an image of the apron and pin that I would wear at
- 25 work.

1 Q And is this a true and accurate reflection of the apron
2 and pin that you would wear to work while you worked at
3 Starbucks?

4 A Yes, it is.

5 MS. GOMEZ: Your Honor, at this time, I'd move to
6 introduce GC 3 into the record.

7 JUDGE RINGLER: Any objection to GC-3?

8 MR. LERNER: Voir dire, briefly?

9 JUDGE RINGLER: Go ahead.

10 **VOIR DIRE EXAMINATION**

11 Q BY MR. LERNER: Ms. Pape, did you take this photo?

12 A Yes, I did.

13 Q On what day did you take this photo?

14 A It was about two weeks ago.

15 Q So this was taken -- this -- so this was not taken during
16 the organization campaign itself?

17 A No, it was not.

18 MR. LERNER: No -- no objections.

19 JUDGE RINGLER: All right. We'll admit GC-3.

20 **(General Counsel Exhibit Number 3 Received into Evidence)**

21 JUDGE RINGLER: I just have a quick complaint question for
22 you.

23 MS. GOMEZ: Yes, Your Honor.

24 JUDGE RINGLER: So the complaint alleges that the threat
25 on lost wages involving Schultze and the implied future

1 benefits comments both apply -- both occurred on May 7th. She's
2 testifying that they occurred on May 14th. So do you want to
3 seek to amend the complaint, or -- it's just a question. You
4 don't have to answer it now. Maybe the --

5 MS. GOMEZ: No, I can. I believe that the amended
6 complaint actually has the correct date.

7 JUDGE RINGLER: Has the correct dates on it?

8 MS. GOMEZ: Yes, and --

9 JUDGE RINGLER: Okay. So maybe -- okay.

10 MR. GARBER: That --

11 MS. GOMEZ: So if you'd like, I can provide you a copy of
12 that, so that --

13 MR. GARBER: That's accurate.

14 JUDGE RINGLER: You're in agreement on that?

15 MR. GARBER: Yeah.

16 JUDGE RINGLER: Okay. That -- that's fine. That's fine.
17 So the amended has May 14th. Okay.

18 MS. GOMEZ: Um-hum.

19 JUDGE RINGLER: Okay. Glad I asked. Thank you.

20 MS. GOMEZ: But along those lines, do you have the rest of
21 the allegations, if you're tracking them?

22 JUDGE RINGLER: Why don't you print out a copy of the --

23 MS. GOMEZ: Okay.

24 JUDGE RINGLER: -- amended for me?

25 MS. GOMEZ: Certainly.

1 JUDGE RINGLER: We'll go off the record for a second.

2 (Off the record at 9:51 a.m.)

3 **RESUMED DIRECT EXAMINATION**

4 Q BY MS. GOMEZ: Okay, Ms. Pape. We'll continue now. So in
5 addition to Mr. Schultze, did you have any other meetings with
6 management about the Union at the San Pablo store?

7 A Yes, I did.

8 Q And who did you meet with?

9 A I met with Kris.

10 Q And when did you meet with her?

11 A On June 12th.

12 Q Do you recall the time of that meeting?

13 A It was around 11 a.m.

14 Q And where did that meeting take place?

15 A It was in the back room at the store.

16 Q Was anybody else present for that meeting?

17 A No.

18 Q And who initiated that meeting?

19 A Kris did.

20 Q And what did Ms. Aycock tell you that day?

21 A She came up to me while I was working by the drive-through
22 at the store and said, hey, I knew you wanted to talk to me,
23 so -- and I said, okay, what did you want to talk about? And
24 she said, the Union. And so then, we went into the back room
25 and sat down.

1 And I shared with her the reasons why I felt it was
2 necessary for us to have a union, that they were systemic and
3 society-wide, they -- that the minimum wage hadn't been
4 addressed in a number of years, and so even with the company's
5 commitment to paying above minimum wage, we still weren't
6 making a living wage.

7 Q And did Ms. Aycock respond to you?

8 A Yes. She told me that she knew we had a -- a text group
9 chat where we were discussing the Union. And I asked her why
10 she had this information about our private communications
11 outside of work. And she just told me that another employee
12 had told her about it. And then, she said that we've known
13 that you've been doing this for a while, but we haven't tried
14 to stop you yet.

15 Q Was there any discussion regarding employees' ability to
16 transfer?

17 A Yes. She said that she couldn't guarantee that we would
18 retain the ability to transfer stores or work as borrowed
19 partners if we -- if we did seek a union.

20 JUDGE RINGLER: Now, quick question for you -- did she
21 identify --

22 THE WITNESS: Yeah.

23 JUDGE RINGLER: -- the name of the other employee, or did
24 she leave that person anonymous?

25 THE WITNESS: She left them anonymous.

1 Q BY MS. GOMEZ: How about the collective bargaining
2 process? Was there any discussion about that?

3 A Yes. She -- she told me that it could take an average of
4 three years to receive our first contract, and just to -- to
5 look at the first store in Buffalo and that they still didn't
6 have their contract yet.

7 Q How about labor hours? Was there any discussion about
8 that?

9 A Yes. I shared with her that labor hours were something
10 that was important to me and something I would want to see
11 changed. And she told me that those are determined by our food
12 and beverage sales, and those would not be eligible to change,
13 even if we had a union. And I said to her that the company's
14 portraying all of the potential benefits or changes through a
15 union as being uncertain and unclear, and so any changes to
16 labor hours ought to be uncertain, as well.

17 Q What else do you recall from this meeting?

18 A We discussed my prior history with the company, as well as
19 her history working for another job, where the -- where -- that
20 was unionized. But she said that that facility had already
21 been unionized before she worked there, and so she didn't
22 really have any opinion on unions, one way or the other. But
23 she just wanted to make sure all employees were well-informed.

24 Q Was there any discussion of documents during this meeting?

25 A Yes. We discussed documents that were hanging on the

1 refrigerator in the store. She said that all of these
2 documents are very important, and they need to always remain
3 hanging.

4 And I told her that, oftentimes, these documents will fall
5 on the ground when deliveries are made into that refrigerator,
6 because they're held up with magnets and clips that all shift
7 around when the drivers open the doors. And she just said,
8 well, the -- all these documents are very important, so we just
9 all have to make sure that they stay up there.

10 Q And what are these documents that she was referencing?

11 A There were, like, two or three documents that were
12 discussing unions that were on the fridge.

13 Q And who were those documents furnished by?

14 A By Starbucks.

15 Q Did you discuss the contents of any of those documents?

16 A Yes, I did. There was one that listed ten things to know
17 about a union. And I shared with her that I thought that some
18 of the information on there was misleading. Number 1 on that
19 list said unions are a business just like Starbucks. And I
20 said that, as far as I knew, unions are classified under the
21 501 section in the Tax Code, so that makes them similar to
22 nonprofit organizations.

23 And Kris said, well, they take in union dues, and they pay
24 their employees a salary, so how does that not make it a
25 business? And I said, my partner actually works for a

1 nonprofit, and they take in money, and they pay her a salary,
2 but they're explicitly not a business.

3 Q Did Ms. Aycock respond to that?

4 A She just nodded and changed the subject.

5 Q Was there any further discussion regarding postings in the
6 back of the house?

7 A Yes. And I asked if I could post some of my own
8 information about unions in the store. And she said, yes, and
9 she gestured to a freezer in the back room that also had a
10 poster on it regarding employee benefits and said I could post
11 documents there.

12 Q How long did that meeting last?

13 A It was about an hour.

14 Q At any point during that meeting, did Ms. Aycock tell you
15 that the meeting was voluntary?

16 A No.

17 Q At any point during that meeting, did Ms. Aycock tell you
18 that you would not be retaliated against if you would not sit
19 in on that meeting with her?

20 A No, she didn't.

21 Q You testified that, during that meeting, she referenced
22 the store in Buffalo. What is that reference to?

23 A That's the first Starbucks store that successfully
24 organized a union under Starbucks Workers United, in Buffalo,
25 New York, in December of 2021.

1 Q You also testified that she discussed the flyers that had
2 been posted by Starbucks and how those can't be taken down. At
3 any point during your time working there, did you take down any
4 of the Starbucks-furnished flyers from the back of the house?

5 A No, I did not.

6 Q Ms. Pape, I'm now showing you a previously marked document
7 that has been labeled GC Exhibit 4. This contains an image.
8 Do you recognize this image?

9 A Yes, I do.

10 Q And what is this an image of?

11 A This was the document we discussed during that meeting
12 that was hanging on the fridge in the store.

13 Q Okay. And is that a true and accurate reflection of the
14 flyer that you discussed and was hanging on the store (sic) in
15 the back of the house?

16 A Yes, it is.

17 MS. GOMEZ: Your Honor, at this time, I move to introduce
18 GC Exhibit 4 into the record.

19 JUDGE RINGLER: All right. Any voir dire?

20 MR. LERNER: No, Your Honor. No objection.

21 JUDGE RINGLER: All right. And when did you take this
22 photo?

23 I'm going to admit 4.

24 **(General Counsel Exhibit Number 4 Received into Evidence)**

25 JUDGE RINGLER: When did you take this?

1 THE WITNESS: I took this one, I think, in the middle of
2 May 2022.

3 JUDGE RINGLER: All right. And this was discussed at your
4 meeting; you were handed this?

5 THE WITNESS: No. This was hanging on the refrigerator.

6 JUDGE RINGLER: Okay.

7 THE WITNESS: And we just discussed it during the meeting.

8 JUDGE RINGLER: Understood. Understood. Okay.

9 Go on.

10 MS. GOMEZ: Thank you.

11 Q BY MS. GOMEZ: And do you recall when that flyer first
12 went up in the back of the house?

13 A Yeah, this one went up around the beginning of May.

14 Q Okay. In addition to that flyer, were there any other
15 flyers posted in the back of the house by Starbucks about
16 unions?

17 A Yes, there were. There was one other one that was
18 discussing a unionized store in Canada and the bargaining
19 process there. And there was one other one that I can't recall
20 the exact details of.

21 Q Ms. Pape, I'm now showing you a document that has been
22 previously marked GC Exhibit 5. This contains an image. Do
23 you recognize this image?

24 A Yes, I do.

25 Q And what is this an image of?



1 A This is the other flyer that was on the fridge, discussing
2 that unionized store in Canada.

3 Q And is this a true and accurate reflection of the flyer
4 that was posted in the back of the house --

5 A Yes, it is.

6 Q -- that you just described?

7 A Um-hum.

8 MS. GOMEZ: Your Honor, at this time, I move to introduce
9 GC Exhibit 5 into the record.

10 JUDGE RINGLER: And you took this photo, as well?

11 THE WITNESS: I did not take this photo.

12 JUDGE RINGLER: Who took this photo?

13 THE WITNESS: I don't know.

14 JUDGE RINGLER: All right. Any objection to 5?

15 MR. LERNER: Yes. Witness testified they don't remember
16 the specifics. They don't know where the photo originated.
17 And it's unclear how they could speak to authentication.

18 JUDGE RINGLER: So on what basis are you able to say that
19 this is the same photo that was posted in the back of the
20 house?

21 THE WITNESS: Well, this document I do remember the
22 specifics of. There was one other document that I can't
23 remember the specifics of.

24 JUDGE RINGLER: Yeah. So she didn't take the photo.

25 MS. GOMEZ: She didn't take the photo, but she does

1 recognize what the image reflects. And the image reflects the
2 document that she recalled seeing in the back of the house.
3 And so for that purpose, I do believe that it's admissible at
4 this time.

5 JUDGE RINGLER: Yeah. I don't think that it is, so I'm
6 going to reject GC-5, because it -- we're offering it as
7 photographic evidence, and she's not the photographer or
8 doesn't know who took it. So we'll reject GC-5.

9 **(General Counsel Exhibit Number 5 Rejected)**

10 MS. GOMEZ: Can I request that that be placed in the
11 rejected exhibits file?

12 JUDGE RINGLER: Yes, absolutely.

13 MS. GOMEZ: Thank you, Your Honor.

14 JUDGE RINGLER: So let's place GC-5 in the rejected
15 exhibit folder.

16 Q BY MS. GOMEZ: Okay. You mentioned that, at the very
17 start of that conversation, she told you, I know that you want
18 to talk to me. Prior to that conversation, had you told her
19 that you wanted to have a conversation with her about the
20 Union?

21 A No, I had not.

22 JUDGE RINGLER: Did she explain to you how she knew
23 that --

24 THE WITNESS: No, she didn't.

25 JUDGE RINGLER: -- you wanted to talk to her?

1 THE WITNESS: No.

2 JUDGE RINGLER: No? Okay.

3 Q BY MS. GOMEZ: Following your June ¹²th meeting with Ms.
4 Aycock, did you have any additional meetings with her about the
5 Union?

6 A Yes, I did.

7 Q And when was that?

8 A It was on June ²⁴th.

9 Q And do you recall the time?

10 A That was around 3 p.m.

11 Q And where did that meeting take place?

12 A This one, in the lobby of the store.

13 Q And who was present for that meeting?

14 A Just myself and Kris.

15 Q And who initiated that meeting?

16 A Kris did.

17 Q And were you working at the time this meeting happened?

18 A Yes I was.

19 Q And the other meeting that you had with her that you just
20 testified about, was that on working time?

21 A Yes, it was.

22 Q And how about the meeting with Mr. Schultze that you
23 testified about? Was that on working time?

24 A Yes, it was.

25 Q And the big staff meeting that you had, was that on

1 working time?

2 A Yes.

3 Q So now, drawing your attention to the present meeting that
4 we're discussing, this June 12th meeting, what did Ms. Aycock
5 tell you during that meeting?

6 A She had asked me if I knew about the unionized store in
7 Canada, and I told her that I didn't find it to be relevant to
8 our case here because it's in a different country, likely has
9 different labor laws and that it was also organized under a
10 different union. And she said, well, I thought it was the
11 SEIU. And I said, they might be affiliated with that union,
12 but they're not organized under Starbucks Workers United.

13 Q Was there any discussion about the collective bargaining
14 process during that conversation?

15 A Yes. She again said that the process of getting a
16 contract could take up to three years and then asked me if I'd
17 done any forecasting to see if the wages we would get through
18 planned raises at Starbucks would compare to the wage we plan
19 to ask for if we did enter bargaining. And I told her, no,
20 that I hadn't done this forecasting. And she said, well, you
21 should. That you get -- we get two raises a year and they
22 average between three and five percent increases, and so you
23 should calculate those up and see, you know, if maybe you'll be
24 satisfied with that wage.

25 And I said, that hasn't been my experience with the

1 company, that when I worked at the store on Brannan Street in
2 San Francisco, we were only receiving a single raise a year and
3 that the increase was the same increases that the minimum wage
4 in San Francisco was going up and that since that was very
5 similar to the rates of inflation those years, we were really
6 making about the same wage for about four years in a row.

7 And she said that, well, that's because in San Francisco,
8 you're at the cap of what the company will pay at those
9 positions. And I told her that I find caps on pay insulting
10 because they don't take into account any of our individual
11 efforts or our length of time with the company. And she said,
12 well, my salary is capped as well. And I said, well, I'd find
13 that to be an insult to you as well.

14 Q Did she respond to that?

15 A Not that I recall. Yeah.

16 Q To that insult comment?

17 A Insult comment -- no. Not that I recall.

18 Q Okay. During that meeting, was there any discussion
19 regarding employee concerns?

20 A Yes. She then asked if there's any ways she could help
21 me. And I said that I find having conversations like these
22 discussing the union while on the clock creates an inequity
23 between the company and us organizers because everyone -- all
24 the employees are being paid to listen to information about
25 organizing and unions from Starbucks, and we have to organize

1 all on our free time.

2 And she said, well, you know, nobody has to have any of
3 these mtgs. And I said, they're not mandatory? And she said,
4 well, you have free will; don't you? And I said that it's not
5 my expectation that if we're on the clock and management comes
6 up and says, let's have a meeting, that that is mandatory. And
7 then, what did she say? And then she said, oh, and when I came
8 up to you today, I asked you if you wanted to have this
9 conversation, and you said yes. And so then that makes it
10 voluntary. And so I asked again, I was like, so no one -- no
11 one needs to have any of these meetings? And she said, no.

12 Q How long did that meeting last?

13 A that was about 30 minutes.

14 Q Did she tell you that you would not be retaliated against
15 if you did not participate in that meeting?

16 A No. She did not.

17 Q During your conversation with Ms. Aycock, you testified
18 that she referenced the store in Canada. What is in that --
19 what is that reference to?

20 A That was a single store in Canada that had successfully
21 unionized.

22 Q Did you ever post any documents in the back of the house?

23 A Yes. I -- I posted a two-page flier about unions and
24 organizing.

25 Q Give me one second. Do you recall when you posted that

1 flier?

2 A It was around June 15th.

3 Q And what was that flier about?

4 A It was a document provided by -- from Starbucks Workers
5 United that was answering the common questions about organizing
6 and unions.

7 Q And how long was that two-page flier posted for?

8 A I don't know exactly how long, but by the next time I
9 worked on June 17th, it was gone.

10 Q Did you remove that flier?

11 A No, I did not.

12 Q Do you know who removed it?

13 A No, I don't.

14 Q Did anyone else post fliers that had been provided by
15 Starbucks Workers United about the union in the back of the
16 house?

17 A No.

18 Q Ms. Pape, I'm now showing you a two-page document marked
19 GC Exhibit 6. Do you recognize this document?

20 **(General Counsel Exhibit Number 6 Marked for Identification)**

21 A Yes, I do.

22 Q And what is this document?

23 A This is a copy of the flier I posted in the store.

24 MS. GOMEZ: Your Honor, at this time I move to introduce
25 GC Exhibit 6 into the record.



1 JUDGE RINGLER: Any objection to 6?

2 MR. LERNER: No objection, Your Honor.

3 JUDGE RINGLER: All right. We'll admit GC 6.

4 **(General Counsel Exhibit Number 6 Received into Evidence)**

5 Q BY MS. GOMEZ: Did you have any interactions with Mr. Pena
6 about the union?

7 A Yes, I did.

8 Q When was that?

9 A That was around June 15th.

10 Q And where did that take place?

11 A In the store, right outside the back room, near the drive-
12 thru area.

13 Q Do you recall the time?

14 A It was around 3 p.m.

15 Q And who was present for that?

16 A It was myself, another employee, and Juve.

17 Q And what happened?

18 A I was talking with the other employee about the organizing
19 campaign. I was sharing how many signatures we had collected
20 so far and sharing what I expected that the filing date might
21 be. And then Juve came up to us and said, hey, I know what
22 you're talking about, so you have to stop.

23 Q And then what happened?

24 A So I just said, okay. And I left the store.

25 Q Were you on the clock when this happened?



1 A No, I was not.

2 Q While at the San Pablo store, did you ever talk about
3 nonwork related issues with other employees during working
4 time?

5 A Yes.

6 Q Can you give me an example?

7 A We would talk about our classes in school or assignments
8 we were working on, or we'd talk about our weekend plans.

9 Q And did management ever tell you that you could not
10 discuss those issues during working time?

11 A No, they didn't.

12 Q Did you ever talk with management about nonwork-related
13 issues during working time?

14 A Yes.

15 Q Who?

16 A Juve and Kris.

17 Q Starting with Mr. Pena, what would you discuss with Mr.
18 Pena?

19 A We'd talk about Golden State Warriors, we'd talk about
20 trips or dates planned with our romantic partners.

21 Q And how often would you have these conversations with Mr.
22 Pena?

23 A Pretty regularly. Probably once every time we worked
24 together.

25 Q And how often did you work with Mr. Pena?



1 A Two or three times a week.

2 Q And at any time, did Mr. Pena tell you that you could not
3 discuss those issues during working time?

4 A No.

5 Q You mentioned you also had conversation with Ms. Aycock.
6 What kind of issues would you discuss with Ms. Aycock during
7 working time?

8 A We'd discuss music. We talked about both being in the
9 same, like, music scenes in the past. And one time a song was
10 playing, and we both discussed being a fan of the artist there.

11 Q And who was that artist?

12 A Elvis Costello. And --

13 Q And at any point, did Ms. Aycock tell you that you
14 couldn't be having those conversations with her because you
15 were working?

16 A No.

17 JUDGE RINGLER: What Elvis Costello song was playing?

18 THE WITNESS: Oh, I don't remember.

19 JUDGE RINGLER: Okay. Just curious.

20 MS. GOMEZ: I wasn't trying to get brownie points there.

21 JUDGE RINGLER: How would you know, right?

22 MS. GOMEZ: I wouldn't. But who doesn't love Elvis
23 Costello, right?

24 Q BY MS. GOMEZ: And how often would you have those
25 conversations with Ms. Aycock?

1 A Pretty regularly. Probably at least once every time we
2 worked together.

3 Q And how often did you work with her?

4 A Two or three times a week.

5 Q And at any point, did she tell you that you couldn't be
6 discussing those issues because you were on working time?

7 A No.

8 Q To your knowledge, have management ever told employees
9 that they could not discuss nonwork related issues during
10 working time?

11 A No.

12 Q Are you familiar with onestarbucks.com?

13 A Yes, I am.

14 Q And what is that?

15 A It's a website run by Starbucks sharing information about
16 unions and organizing.

17 Q Have you visited that website?

18 A Yes, I have.

19 Q Has anyone from management ever referred you to that
20 website?

21 A Yes.

22 Q Who?

23 A Kristen.

24 Q And when was that?

25 A During our conversation on June 12th when she was talking

1 about wanting all employees to be well-informed, she said that
2 that's a good website to get more information, and she told me
3 I should go there to make sure I have balanced information
4 about unions.

5 Q And how did you first learn about that website?

6 A I first saw it referenced on a flier hanging in the back
7 of the house.

8 Q You previously mentioned that you stopped working for the
9 employer in September 2022. Why do you no longer work for the
10 employer?

11 A Well, I quit.

12 Q Why did you quit?

13 A After we lost the union election, I didn't feel that my
14 concerns regarding pay and labor hours were going to be
15 rectified, and I also -- I didn't feel comfortable working with
16 Kris any more after hearing some of the ways she portrayed me
17 to other employees during the organizing.

18 Q Do you work for the union?

19 A No, I don't

20 Q Have you ever worked for the union?

21 A No.

22 Q Thank you, Ms. Pape. Those are all my questions.

23 JUDGE RINGLER: Thank you. So I'm assuming there's a
24 Jencks Statement.

25 MS. GOMEZ: Yes, Judge.

1 JUDGE RINGLER: All right.

2 MS. GOMEZ: And we can get that to you.

3 JUDGE RINGLER: So let's see how long it is and we'll
4 figure out how long we need to break.

5 MR. LERNER: Thanks.

6 JUDGE RINGLER: Yes. Absolutely.

7 MR. LERNER: Thank you.

8 JUDGE RINGLER: So how many pages are we talking?

9 MR. LERNER: No, no. They're not numbered
10 (UNINTELLIGIBLE) two exhibits. 11 pages and then it looks like
11 about another 7 to 10 of exhibits.

12 JUDGE RINGLER: All right. Why don't we reconvene -- why
13 don't we say 20 minutes at 25 to? And if that proves arduous,
14 let me know. I'll give you a couple more minutes.

15 MR. LERNER: Okay. Thank you, Your Honor.

16 JUDGE RINGLER: All right. So 11 -- rather, 10:35 we're
17 going to reconvene.

18 MS. GOMEZ: Thank you. I was going to ask you.

19 JUDGE RINGLER: Yes. I'm still on central, so all right.
20 10:35 we'll go back for our cross. So in the interim, you're
21 certainly welcome to stretch your legs; take a break; just be
22 back by 10:35, and we'll start with cross.

23 (Off the record at 10:15 a.m.)

24 JUDGE RINGLER: Okay. I think we're back on. All right.
25 Start with cross.

1 MR. LERNER: Thank you, Your Honor.

2 JUDGE RINGLER: Yes.

3 **CROSS-EXAMINATION**

4 Q BY MR. LERNER: Ms. Pape, did I pronounce that correctly?

5 A Yes.

6 Q Thank you.

7 A Thank you.

8 Q My name is Matthew Lerner. I'm an attorney for Starbucks.
9 I'm going to be asking you some questions today. I'm here to
10 hear what you have to say. We're here to put it on the record.
11 If for some reason, I ask you a question too quickly or it's
12 confusing, please just ask me to rephrase. I'll be happy to.

13 A Okay.

14 Q The only thing I ask is if you just let me finish the
15 question so we can make sure it's clear for the court reporter.

16 A Uh-huh.

17 Q And I will do my very best to let you finish all of your
18 answers as well. So if you're ready we can get started.

19 A Okay.

20 Q Thank you. So it's your testimony today that you
21 initiated the union campaign on April 20th, 2022, correct?

22 A Correct.

23 Q There was a meeting on April 25th, correct?

24 A That's correct.

25 Q That was an all-store meeting?



1 A Yes.

2 Q It was scheduled three weeks in advance, correct?

3 A That's correct.

4 Q And the purpose of that -- one of the purposes of that
5 meeting was benefits; was it not?

6 A Not that I recall.

7 Q Benefits weren't discussed in that April 25th meeting?

8 A Oh. Sorry. Sorry. Yes. Yes it was.

9 MS. GOMEZ: Objection. That's not the question. You said
10 that the purpose of the meeting was benefits, and Ms. Pape
11 testified earlier that the purpose of the meeting was summer
12 training and performance goals. The meeting itself, however,
13 turned out to be a discussion about benefits. So I just want
14 the record to be clear about that.

15 JUDGE RINGLER: Okay. Why don't you just ask a different
16 question?

17 MR. LERNER: I'll rephrase.

18 JUDGE RINGLER: You can certainly ask, were benefits
19 discussed at the meeting?

20 Q BY MR. LERNER: One of the topics discussed at that
21 meeting was benefits, correct?

22 A Correct.

23 Q You were recently hired at that store in January; were you
24 not?

25 A That's right.

1 Q You had a meeting via Zoom with your store manager during
2 that time period?

3 A It wasn't actually my store manager.

4 Q It was with a store manager?

5 A Yes.

6 Q It was part of your new hire process, correct?

7 A That's correct.

8 Q Benefits were discussed?

9 A Yes.

10 Q The same benefits that -- at least some of the same
11 benefits that were discussed during that meeting?

12 A That's right.

13 Q None of the benefits that were discussed during that
14 meeting were new benefits, correct?

15 A That's correct.

16 Q In the time period between when you were hired in January
17 and had that meeting, in that April 25th meeting, about how many
18 new hires were there at the San Pablo store?

19 A Around ten.

20 Q And there was about 30 in total, correct?

21 A That's correct.

22 Q And that also is inclusive of shift supervisors and store
23 managers?

24 A Yes.

25 Q And you first learned about that on April 9th, correct?



1 A Yeah.

2 Q So getting into the contents of that meeting a little bit
3 more, were you ever told that that meeting was mandatory?

4 A Yes.

5 Q Who told you the meeting was mandatory?

6 A Kristen.

7 Q And did she tell you what would happen if you were unable
8 to make it?

9 A No.

10 Q Was it mandatory if you weren't scheduled to work that
11 day?

12 A Yes.

13 Q And did every member attend?

14 A No.

15 Q Were they -- just to your knowledge, were they disciplined
16 for not attending?

17 A I don't know.

18 Q So you don't know that anybody was disciplined for not
19 attending that meeting?

20 A That's right.

21 Q During that meeting, did you ask if it was voluntary?

22 A No, I did not.

23 Q Did anybody ask if it was voluntary?

24 A Not that I recall.

25 Q And during that meeting, folks voiced complaints, correct?

- 1 A That's correct.
- 2 Q No solutions were offered by Starbucks specifically to
3 rectify those complaints, correct?
- 4 A That's correct.
- 5 Q So as we continue on, the next meetings took place in May
6 1st to 14th about; is that correct?
- 7 A Yeah. That's correct.
- 8 Q Those were one-on-one meetings; were they not?
- 9 A Yes, they were.
- 10 Q And were -- you had one of those meetings?
- 11 A Yes, I did.
- 12 Q Were you a part of any other meetings -- any of those
13 other one-on-one meetings?
- 14 A No, I was not.
- 15 Q So it's correct that you do not know the contents of what
16 was discussed in those meetings?
- 17 A That's correct.
- 18 Q So let's just focus on the meeting that you participated
19 in. That meeting, were you told it was mandatory?
- 20 A It was sort of, basically, how it was implied to me.
- 21 Q Did you ask if it was mandatory?
- 22 A No, I did not.
- 23 Q Were you told what would happen if you refused that
24 meeting?
- 25 A No, I was not.

1 Q And within that meeting, was there any -- was discipline
2 discussed at all?

3 A No.

4 Q During that meeting, was it known that you had initiated a
5 union campaign?

6 MS. GOMEZ: Objection. How does -- how would Ms. Pape
7 know if Mr. Schultze --

8 JUDGE RINGLER: Sustained.

9 Q BY MR. LERNER: During that meeting, was your union
10 involvement discussed?

11 A No.

12 Q Were you wearing a union pin at that time?

13 A No.

14 Q When you began wearing a union pin, were you ever
15 disciplined for it?

16 A No.

17 Q Were you ever told that you could not wear a union pin?

18 A No.

19 Q Was anyone at that San Pablo store, to your knowledge,
20 told they could not wear a union pin?

21 A Not to my knowledge, no.

22 Q Was anyone ever disciplined for not wearing a union pin?

23 A No.

24 Q There is a Starbucks dress code, correct?

25 A That's correct.



1 Q Thank you. So just bear with me for one moment. So let's
2 talk about the postings for a second. It's your testimony that
3 both union -- pro-union and Starbucks materials were posted on
4 the freezer or refrigerator, correct?

5 A That's correct.

6 Q You do not know who removed any of the materials that were
7 posted, correct?

8 A That's correct.

9 Q It's also your testimony that sometimes things fall off,
10 correct?

11 A That's correct.

12 Q In that case, nobody would have been the ones who have
13 taken them off?

14 A Yes. That's correct.

15 Q So you had mentioned you had a conversation with Kris
16 Aycock on June 12th, correct?

17 A That's correct.

18 Q When asked if that meeting was voluntary, she told you it
19 was?

20 MS. GOMEZ: Objection. That's actually a misstatement of
21 the testimony. Ms. Pape just testified regarding two meetings
22 with Ms. Aycock, and it was at the second meeting where that
23 conversation was discussed.

24 JUDGE RINGLER: Overruled. You can answer the question.

25 THE WITNESS: Sorry. Could you repeat the question?

1 Q BY MR. LERNER: How many meetings in June did you have
2 with Ms. Aycock?

3 A Two.

4 Q What were the dates of those meetings?

5 A June 12th and June 24th.

6 Q Were -- did you ask if the June 12th meeting was voluntary?

7 A No.

8 Q Were you told that it was mandatory?

9 A No.

10 Q Were you threatened with discipline?

11 A No.

12 Q Sticking with that June 12th meeting, you discussed
13 unionization, correct?

14 A That's correct.

15 Q And the effects of unionization were discussed, correct?

16 A That's correct.

17 Q One of those discussion points was that if a union
18 campaign was initiated, then Ms. Aycock couldn't guarantee the
19 ability to provide for the ability to work at other stores,
20 correct?

21 A That's correct.

22 Q The same is true for picking up other shifts; was it not?

23 A Yes, that's correct.

24 Q And to your knowledge, was Ms. Aycock incorrect in stating
25 that?

1 MS. GOMEZ: Objection. How would he know that?

2 JUDGE RINGLER: Sustained.

3 MS. GOMEZ: That is -- I'm sorry, she know that? The
4 union never won that --

5 JUDGE RINGLER: I sustained your objection.

6 MS. GOMEZ: Thank you.

7 Q BY MR. LERNER: Labor hours were also discussed, correct?

8 A That's correct.

9 Q And you had told -- is it true that you told Ms. Aycock
10 that the labor hours was something that, like other benefits,
11 was expected to be in flux given the uncertainty of a union
12 campaign, correct?

13 A Yes, that's correct.

14 Q And when asked if you could post your own documents, were
15 you told that you could?

16 A Yes, I was.

17 Q Were you ever disciplined for posting those documents?

18 A No.

19 Q After the fact, were you ever told that it was an issue
20 that you posted those documents?

21 A No, I was not.

22 Q Another topic you discussed with transitioning to the --
23 was this the meeting that you discussed the Canadian collective
24 bargaining, the unionization of the Canadian store?

25 A At which meeting?

- 1 Q The June 12th meeting.
- 2 A No, it was not.
- 3 Q That was the June 22nd meeting, correct?
- 4 A 24th, but yes, yeah.
- 5 Q Thank you. During the June 24th meeting.
- 6 A Do you want me to --
- 7 Q If I say the second June meeting --
- 8 A Okay. Yeah. That works. Yeah, yeah.
- 9 Q -- would you know what I'm referring to? During the
- 10 second June meeting, you asked if the meeting was voluntary?
- 11 A That's right.
- 12 Q That was the first instance in which you asked if the
- 13 meeting was voluntary?
- 14 A Yes.
- 15 Q Are you aware of any other individual asking if any one-
- 16 on-one meetings were voluntary between May 1st and the second
- 17 June meeting?
- 18 A No, I'm not.
- 19 Q During that meeting, you discussed the time frame it could
- 20 take to formulate a collective bargaining agreement, correct?
- 21 A That's correct.
- 22 Q Ms. Aycock said it could take up to three years, which was
- 23 something that you pushed back on, correct?
- 24 A I don't recall pushing back on it.
- 25 Q Do you know if Ms. Aycock was speaking from her personal

1 experience?

2 A I don't believe she was.

3 Q Do you know whether or not Ms. Aycock has a partner who
4 works for a unionized establishment?

5 A Yes. I think she does, actually.

6 Q Sticking with the Canadian store discussion, did Ms.
7 Aycock ever say that what happened in Canada would happen at
8 the San Pablo -- the El Portal store?

9 A No.

10 Q Did Ms. Aycock ever specifically state what would happen
11 in the event of unionization?

12 A No.

13 Q Did Ms. Aycock ever explain what would not happen in the
14 event of unionization?

15 A No.

16 Q Transitioning now to the conversations with Juve Pena, Mr.
17 Pena was the assistant store manager at this time, correct?

18 A That's correct.

19 Q And this conversation took place on June 15th?

20 A Yes.

21 Q At this point, was it known whether or not Mr. Pena was a
22 member of the bargaining unit?

23 MS. GOMEZ: Objection. How would Ms. Pape know that?

24 JUDGE RINGLER: If you know.

25 THE WITNESS: I believe it was known that he was not.

1 Q BY MR. LERNER: And it's you --

2 MS. GOMEZ: And also, I have another objection. We've
3 already stiped (sic) to the 211 and 213 status of Mr. Pena, so
4 I don't really understand why Mr. Pena's supervisor
5 (indiscernible, simultaneous speech).

6 JUDGE RINGLER: Well, so his status isn't in question, but
7 the -- the question was really getting to, was it known at that
8 point what Pena's status was? So it's a little different. So
9 it's fine. But we've got it on the record. Go ahead.

10 Q BY MR. LERNER: When Mr. Pena approached, what exactly did
11 he say?

12 A He said, I know what you two are talking about, so you
13 have to stop.

14 Q Is -- did he mention the words, union?

15 A No, he did not.

16 Q And you testified before that it was commonplace to -- is
17 it your testimony that it is commonplace to discuss nonwork-
18 related items while on the clock?

19 A Yes, it is.

20 Q Did you ever discuss unionization while on the clock?

21 A Yes.

22 Q Were you reprimanded for that?

23 A No.

24 Q Were you disciplined for that?

25 A No.

1 Q From when you were hired in January until the time of your
2 resignation, were you ever disciplined?

3 A No.

4 Q No written warning?

5 A No.

6 Q No suspension?

7 A No.

8 Q Did you ever talk about unions while -- unionization while
9 you were not on the clock, but other members were?

10 A Yes, I did.

11 Q And where did those conversations take place?

12 A Within the store.

13 Q Where -- did they take place in the lobby?

14 A Yes.

15 Q Were you ever spoken to about meeting with employees in
16 the lobby?

17 A No.

18 Q Did you ever speak with employees anywhere else besides
19 the lobby while you were off the clock, and they were on the
20 clock?

21 A Yes.

22 Q And where did those conversations take place?

23 A Within the, like, the back of the house or behind the
24 counter.

25 Q Does the El Portal store have a policy regarding whether

1 somebody can be in the back of the house while not on the
2 clock?

3 A I don't know if they have an explicit one.

4 Q Is there an implicit one?

5 MS. GOMEZ: Objection. We didn't discuss the back of the
6 house policy during direct, Your Honor. So I will object to
7 this line of questioning.

8 JUDGE RINGLER: What's the relevance?

9 MR. LERNER: Your Honor, the June 15th conversation and
10 potentially others speak to Ms. Pena (sic) being reprimanded,
11 and we're attempting to show that it was not for the reasons
12 implied.

13 JUDGE RINGLER: Okay. I'll a little bit on it. I've
14 noted your objection for the record.

15 MS. GOMEZ: But I may I just say one more thing? We've
16 actually -- there is no allegation of reprimand in the
17 complaint.

18 JUDGE RINGLER: That's true.

19 MS. GOMEZ: This is an 8(a)(1), so I don't understand,
20 again, why this is a applicable line of questioning when we're
21 not contending that Ms. Pape was reprimanded for her
22 conversation with another employee about the union. So what's
23 the relevance of the back of the house policy here?

24 MR. LERNER: Your Honor, that reprimand was used in the
25 colloquial sense in this instance.

1 JUDGE RINGLER: Uh-huh.

2 MR. LERNER: We are addressing the facts -- the -- we are
3 adding more facts underlying the testimony that came out in
4 direct.

5 JUDGE RINGLER: Okay. I'll allow a very limited amount on
6 this, under the heading that I candidly don't see where you're
7 going, but sometimes it's clearer when the whole picture's put
8 together, so I will allow a little bit, just a little bit.

9 MR. LERNER: Your Honor, no actual further questions on
10 this --

11 JUDGE RINGLER: Okay. All right.

12 MR. LERNER: -- on this topic.

13 JUDGE RINGLER: Much ado about nothing then under that
14 heading, okay.

15 Q BY MR. LERNER: Shortly after -- the -- ultimately, the
16 election -- the union election was unsuccessful, correct?

17 A That's correct.

18 Q And as a -- following the election, you did not feel
19 comfortable working with your -- with Ms. Aycock anymore?

20 A That's correct.

21 Q And after the unsuccessful election and issues with Ms.
22 Aycock, that is what led to your resignation, correct?

23 A That's correct.

24 Q And you have -- you are no longer a Starbucks employee?

25 A That's correct.



1 Q And this is the first time in the better part of a decade
2 that you have not been employed by Starbucks?

3 A Second time actually.

4 Q Understood. Just one second. Returning to the June 15th
5 conversation that Mr. Pena allegedly interrupted, where did
6 that conversation take place?

7 A It was just outside the door to the back of house.

8 Q And who else was present during that conversation?

9 MS. GOMEZ: Objection. We do not want to disclose any
10 employee names who were engaged in this activity.

11 Q BY MS. GOMEZ: What were the titles of the individuals who
12 were present for that conversation?

13 A Shift supervisor.

14 Q To your knowledge, was anyone -- was anyone disciplined
15 for participating in that conversation?

16 A No, I don't know.

17 Q Is that considered a work area?

18 A Yes.

19 MR. LERNER: No further question, Your Honor.

20 JUDGE RINGLER: All right.

21 Redirect?

22 MS. GOMEZ: Thank you, Your Honor.

23 JUDGE RINGLER: Yes.

24 MS. GOMEZ: Just a few questions. Just give me a second
25 while I redo my notes. I don't have to take any time off the

1 record though.

2 **REDIRECT EXAMINATION**

3 Q BY MS. GOMEZ: So on cross, you were asked about the June
4 24th meeting during which there was discussion about the
5 collective bargaining experience and that it might take three
6 years to have a contract. At least that was said to you by Ms.
7 Aycock. At any point during that conversation that she said
8 that those three years was because it was her experience that
9 in the past, that's how long it had taken a union contract to
10 taken -- take form?

11 A Sorry. Could you say that again?

12 Q Sorry. Moving along. So when she said that the contract
13 would take three years --

14 A Uh-huh.

15 Q -- did she reference her past personal experience working
16 at a unionized store when she said that?

17 A No, she did not.

18 Q What's the expectation of employees when a district
19 manager asks to meet with them on the clock?

20 MR. LERNER: Objection. Calls for speculation. Ms.
21 Pena -- ah, sorry. Ms. Pape has never been a district manager.

22 JUDGE RINGLER: Sustained.

23 Q BY MS. GOMEZ: Well, what's her -- what was your
24 expectation when a district manager asks you to meet on the
25 clock?

1 MR. LERNER: That's fine.

2 THE WITNESS: I'd expect that that's a mandatory meeting.

3 Q BY MS. GOMEZ: And how about when a store manager asks to
4 meet with you on the clock? What's your expectation?

5 A I expect that that's a mandatory meeting.

6 Q And so when Mr. Schultze asked to meet with you on the
7 clock during that first May meeting -- I'm sorry, during the --

8 MS. GOMEZ: Strike that.

9 Q The April 25th meeting that you testified, it was your
10 expectation that that was a mandatory meeting?

11 A Yes.

12 Q Okay. And then how about your May 14th meeting with Mr.
13 Schultze when he asked to meet with you? Was it your
14 expectation that you had to meet with him?

15 A Yes.

16 Q and how about with Ms. Aycock on June 12th. Was it your
17 expectation that you had to meet with her?

18 A Yes.

19 Q and how about on the 24th?

20 A Yes.

21 MS. GOMEZ: Those are actually all my questions, Your
22 Honor.

23 JUDGE RINGLER: Okay. Thank you. Any recross?

24 MR. LERNER: Nothing further, Your Honor.

25 JUDGE RINGLER: All right.

1 MR. LERNER: Thank you.

2 JUDGE RINGLER: Good deal. You're excused.

3 THE WITNESS: Okay.

4 JUDGE RINGLER: Thank you.

5 THE WITNESS: Thank you.

6 JUDGE RINGLER: Please do not discuss your testimony with
7 anyone.

8 THE WITNESS: Of course.

9 JUDGE RINGLER: All right. Witness two.

10 MS. GOMEZ: I will go get that witness.

11 JUDGE RINGLER: All right. Off the record for just a
12 moment.

13 (Off the record at 11:04 a.m.)

14 JUDGE RINGLER: All right. So we -- I think we are back
15 on the record. All right. Great. So we've got our next GC
16 witness. So just start. If you would, please spell your name
17 for us, first and last.

18 MS. BRANTINGHAM: M-I-C-H-A-E-L-A, Michaela. And then
19 Brantingham, B-R-A-N-T-I-N-G-H-A-M.

20 JUDGE RINGLER: All right. Please raise your right hand.
21 Whereupon,

22 **MICHAELA BRANTINGHAM**

23 having been duly sworn, was called as a witness herein and was
24 examined and testified as follows:

25 JUDGE RINGLER: Counsel, your witness.



DIRECT EXAMINATION

1

2 Q BY MS. MILLER-WALFISH: Good morning, Ms. Brantingham. As
3 you know, my name is Ezra Miller-Walfish. I'm an attorney with
4 the National Labor Relations Board, and I'll be asking you a
5 series of questions today. What are your gender pronouns?

6 A She/her. They/them.

7 Q Are you familiar with Starbucks Corporation?

8 A Yes.

9 Q Moving forward, I'll refer to Starbucks Corporation as the
10 Employer. What kind of business does the Employer operate?

11 A A coffee company.

12 Q Where does the Employer operate its business?

13 A Internationally.

14 Q Are you currently employed by the Employer?

15 A No.

16 Q Have you ever worked for the Employer?

17 A Yes.

18 Q When?

19 A August 5th of 2019 to September 16th of 2022.

20 Q Was that all at the same location?

21 A No.

22 Q What was the most recent Employer location you worked at?

23 A 14330 San Pablo Avenue, San Pablo, California 94806.

24 Q Moving forward, I'll refer to that store as the San Pablo
25 store. How long did you work at the San Pablo store?



1 A From March of 2020 to September of 2022.

2 Q Prior to working at the San Pablo store, what other
3 Employer locations did you work at?

4 A At Franklin and Highway 99 in Yuba City.

5 Q And what dates did you work there?

6 A August 5th of 2019 to March of 2020.

7 Q What was your job title when you started working at the
8 San Pablo store?

9 A Barista.

10 Q Were you ever promoted?

11 A Yes.

12 Q To what position?

13 A A shift supervisor.

14 Q And when were you promoted?

15 A Late 2020, early 2021.

16 Q What were your job duties as shift supervisor?

17 A As a shift supervisor, my responsibilities were cash
18 handling, overseeing that customers had a great experience, all
19 of the baristas, workers, making sure I put in incidents
20 reports, maintenance requests. I had keys to open up in the
21 morning and lock up at night, and I had inventory that I would
22 put into the computer, or to count it, or to put away
23 deliveries and cleaning duties as well.

24 Q What was your schedule?

25 A Wednesdays through Sundays.

- 1 Q How many hours a week did you work?
- 2 A Forty.
- 3 Q Approximately how many people worked at the San Pablo
- 4 store while you worked there?
- 5 A Thirty-one.
- 6 Q Can you name the different job classifications of the San
- 7 Pablo store?
- 8 A Barista, barista trainer, shift supervisor, assistant
- 9 manager, store manager, district manager, regional manager, and
- 10 so on.
- 11 Q How many baristas worked at the San Pablo store during
- 12 your time there?
- 13 A Twenty-five.
- 14 Q And how about shift supervisors?
- 15 A Six, including me.
- 16 Q What was the name of the assistant store manager during
- 17 your time working at the San Pablo store?
- 18 A Jovenile Pena (phonetic).
- 19 Q Does Mr. Pena go by any other names?
- 20 A Jove.
- 21 Q What was the name of the store manager during your time
- 22 working at the San Pablo store?
- 23 A Kristen Aycock (phonetic).
- 24 Q And does Ms. Aycock go by any other names?
- 25 A Kris.

1 Q What was the name of the district manager during your time
2 working at the San Pablo store?

3 A Pete Schultz.

4 Q Does the district manager routinely work out of a given
5 store?

6 A No.

7 Q Is the San Pablo store a unionized facility?

8 A No.

9 Q Did employees try to unionize the San Pablo store?

10 A Yes.

11 Q Approximately when did employees at the San Pablo store
12 start the Union organizing drive?

13 A In spring of 2022. Late April, early May.

14 Q What is the name of the Union that was involved in that
15 effort?

16 A Workers United.

17 Q Moving forward, I'll refer to Workers United as the Union.
18 Who initiated the Union organizing campaign?

19 A Max Pape.

20 Q Who's Max?

21 A A barista.

22 Q And how do you know Max?

23 A Through work.

24 Q Does Max still work at the San Pablo store?

25 A I don't know.

1 Q Did you ever talk to Max about unionizing?

2 A Yes.

3 Q When was the first time you talked to Max about
4 unionizing?

5 A It was a couple of days before the big staff meeting.

6 Q Do you remember the month?

7 A It was probably late April or early May, around there.

8 Q Of what year?

9 A 2022.

10 Q And where did this conversation take place?

11 A On the floor.

12 Q What time?

13 A Afternoon.

14 Q And what did you and Max talk about?

15 A We talked about the upcoming staff meeting because Max had
16 never been to one. So I was telling her a little bit about
17 what to expect with going over customer connections and sales
18 goals, just introductions to that about any new hires, getting
19 to -- just get introduced to that. And then we started talking
20 about how across the nation different Starbucks stores were
21 unionizing. So we were saying -- talking about that and seeing
22 about what it would look like for our store if, you know, we
23 could improve any conditions.

24 Q Was there ever a Union election at the San Pablo store?

25 A Yes.



- 1 Q When?
- 2 A Around August of 2022.
- 3 Q Did the Union win the election?
- 4 A No.
- 5 Q Between when you first spoke with Max about unionizing in
6 or around April or May of 2022 and the Union election in August
7 of 2022, did you ever see District Manager Pete Schultz at the
8 San Pablo store?
- 9 A Yes.
- 10 Q Do you recall when you first saw him at the San Pablo
11 store during that period?
- 12 A During the big staff meeting?
- 13 Q And who was in that staff meeting?
- 14 A Baristas, shift supervisors, Jove Pena, who was not yet
15 the assistant manager at the time, the store manager, Kristen
16 Aycock, and then the district manager, Pete Schultz.
- 17 Q Where did the staff meeting take place?
- 18 A In the lobby of the store.
- 19 Q Around what time?
- 20 A 8:00 p.m.
- 21 Q Did you have prior notice about the staff meeting?
- 22 A About a week's notice.
- 23 Q And who gave you notice?
- 24 A Kris.
- 25 Q How did the staff meeting start?

1 A It started with Kris saying how we were all doing a great
2 job, that we were keeping up with everything, that we had a
3 great start. And then Pete started talking about stocks and
4 benefits and dived into that topic.

5 Q Did Mr. Schultz or Ms. Aycock say anything else in the
6 meeting?

7 A Yes. Kris brought up that if we had any questions or
8 concerns that we could bring it up to them and talk about it.

9 Q And did any employees say anything in response?

10 A Yeah, there were a couple of supervisors who wanted to ask
11 about the staffing shortage, how even though we're doing a
12 great job, that if there is any people calling out that -- with
13 that, we're still expected to maintain the same performance
14 goals during peak hours and the busiest times. And that's when
15 Kris said that while she understood the difficulties with that,
16 that there was nothing that she could do about people calling
17 out, but that she would still discipline if there was not an
18 excused or legitimate reason. And yeah.

19 Q Did Ms. Aycock say anything in response to employee
20 concerns about the hours?

21 A She did say that she would look into it and that she would
22 have to get approval through Starbucks because there is an
23 algorithm as far as meeting certain requirements for goals and
24 being able to staff more.

25 Q How long did the staff meeting last?

1 A About an hour.

2 Q Prior to that staff meeting, had you ever participated in
3 a staff meeting with Mr. Schultz or Ms. Aycock, where you
4 discussed employee benefits at the San Pablo store?

5 A No.

6 Q Prior to that staff meeting, had you participated in any
7 staff meeting with any district manager or store manager where
8 you discussed employee benefits or employee concerns at any of
9 the Starbucks stores you worked at?

10 A No.

11 Q Prior to that staff meeting in or around April or May of
12 2022, had you ever attended any other staff meetings?

13 A Yes.

14 Q When was the first staff meeting that you attended?

15 A In 2020.

16 Q And what was the purpose of that meeting?

17 A The purpose of it was to go over customer connections and
18 sales goals. The manager at the time was Reuben Bastardo, and
19 he was introducing himself to any of the new hires. I, myself,
20 was new to that store when I first arrived, so I was getting to
21 know my co-workers' names and we were going over where we're at
22 with our store.

23 Q And where did that meeting take place?

24 A In the lobby.

25 Q Of which store?



- 1 A San Pablo.
- 2 Q Who attended?
- 3 A The baristas, shift supervisors, and the store manager.
- 4 Q Did the district manager attend?
- 5 A No.
- 6 Q And how long did that meeting last?
- 7 A About an hour.
- 8 Q Did the store manager ask about any employee concerns or
- 9 issues at the store?
- 10 A No.
- 11 Q Following that staff meeting, when was the next staff
- 12 meeting that you attended?
- 13 A The end of 2020, early 2021.
- 14 Q And what was the purpose of that meeting?
- 15 A It was when I had that temporary manager with Rick Howell.
- 16 She was going over being with us for the holidays, the busiest
- 17 time of year. So she wanted to make sure that we were prepared
- 18 and ready, also going over, like, just any other seasonal or
- 19 new hires to get to know each other with how we can create best
- 20 moments, going over the mission statement, and still meeting
- 21 those sales goals.
- 22 Q And where did that meeting take place?
- 23 A In the lobby.
- 24 Q Of which store?
- 25 A San Pablo.

1 Q And who attended?

2 A It was the baristas, shift supervisors, and the temporary
3 manager at the time.

4 Q Did the district manager attend?

5 A No.

6 Q How long did the meeting last?

7 A About an hour.

8 Q And did the store manager ask about any employee concerns
9 or issues at the store?

10 A No.

11 Q After that meeting, when was the next staff meeting that
12 you attended?

13 A In 2021.

14 Q And what was the purpose of that meeting?

15 A It was to go over customer connections, sales goals,
16 again, going over the mission statement, how we can bring that
17 to life, what we can do to create best moments, how we can
18 personally connect to customers and get to know anybody if
19 there's anyone new.

20 Q And where did the meeting take place?

21 A In the lobby.

22 Q Of which store?

23 A San Pablo.

24 Q Who attended?

25 A Baristas, shift supervisors. It was the temporary manager

1 at the time. I can't remember her name, but also the district
2 manager, Tonya Palacios.

3 Q And did the store manager or the district manager ask if
4 employees had any concerns or issues at the store?

5 A No.

6 Q After those two staff meetings with the fill-in store
7 managers, when was the next staff meeting that you attended?

8 A In 2021.

9 Q What was the purpose of that meeting?

10 A For Kris to introduce herself, tell us how long she was
11 going to be there with us, that she was going to probably stay
12 longer, and to see where we were at in our progress with
13 customer connections, sales goals, what we can do to do better,
14 and to get to know each other better.

15 Q Where did that meeting take place?

16 A In the lobby.

17 Q Of which store?

18 A San Pablo.

19 Q Who attended?

20 A Baristas, shift supervisors, the store manager, Kris, and
21 then the district manager, Pete Schultz. He stopped in for
22 about five minutes.

23 Q And how long did the entire meeting last?

24 A About an hour.

25 Q Did the store manager or the district manager ask about

1 any employee concerns or issues at the store?

2 A No.

3 Q Drawing your attention back to that staff meeting that
4 happened in or around April or May of 2022, did you continue to
5 see Mr. Schulz at the San Pablo store after that staff meeting?

6 A Yes.

7 Q How many times do you recall seeing him?

8 A Pretty regularly, about three to four times a week.

9 Q Over how long a period of time?

10 A From the staff meeting to the election?

11 Q After the staff meeting, when was the next time that you
12 saw Mr. Schultz at the San Pablo store?

13 A About a week after the staff meeting.

14 Q Did you ever meet with Mr. Schultz?

15 A Yes.

16 Q Where did your meeting with Mr. Schultz take place?

17 A Outside on the patio, where there's tables and chairs.

18 Q Were you on working time when that meeting occurred?

19 A Yes.

20 Q Who was present for the meeting?

21 A Just him and I.

22 Q Who initiated the meeting?

23 A Pete.

24 Q What did Mr. Schultz tell you during the meeting?

25 A He went over the topics that we discussed in the staff

1 meeting. He talked about, like, the benefits and stocks and
2 investments that was mentioned in that meeting. And then he
3 brought up the Ten Things to Know About a Union flyer, went
4 over the bullet points over that, and was just telling me how,
5 like, businesses -- or sorry -- that Unions are business and
6 that they are for-profit and that they weren't going to be
7 really representing the people that -- yeah -- that wanted
8 them.

9 Q And did he discuss any employee benefits?

10 A Yes. He said that with any new and upcoming benefits that
11 Starbucks is coming out with, that if anyone were to unionize
12 or be a part of the Union, that they would not get those
13 benefits.

14 Q And which benefits was he referring to?

15 A Holiday pay, raises, and stocks investments?

16 Q Did you respond to any of Mr. Schultz's comments?

17 A No.

18 Q Did he say anything else during the meeting?

19 A Yeah. At the end of it, he told me that if I had any
20 questions or if I had any thoughts about the Unions, that I
21 could bring it up to him, or that if anyone else did as well, I
22 let him know.

23 Q How long did that meeting last?

24 A About 15 minutes.

25 Q At any point during the meeting, did Mr. Schultz tell you

1 the meeting was voluntary?

2 A No.

3 Q At any point during the meeting, did Mr. Schultz tell you
4 that you would not be retaliated against if you do not meet
5 with him?

6 A No.

7 Q I am now showing you a document that has been marked
8 Exhibit 10. This document contains a picture. Do you
9 recognize this picture?

10 A Yes.

11 Q And what is this a picture of?

12 A The Ten Things to Know About a Union flyer.

13 Q And is this a true and accurate depiction of the flyer Mr.
14 Schultz referenced during your meeting?

15 A Yes.

16 Q Did you take this picture?

17 A Yes.

18 Q When did you take this picture?

19 A May 13th of 2022.

20 Q And how do you know you took the picture on that day?

21 A Because it says the information on my phone with -- once
22 you take the picture.

23 MS. MILLER-WALFISH: Your Honor, I move to introduce GC
24 Exhibit 10 into the record.

25 JUDGE RINGLER: All right. Any objection to 10 or voir

1 dire?

2 MR. ARCEO: No, Your Honor.

3 JUDGE RINGLER: All right. So we'll admit GC 10.

4 **(General Counsel Exhibit Number 10 Received into Evidence)**

5 Q BY MS. MILLER-WALFISH: After your meeting with Mr.
6 Schultz, did you ever meet with him again?

7 A Yes.

8 Q How many more times?

9 A Two more times, about.

10 Q When was the first of those two times?

11 A A month after the first initial meeting.

12 Q And who was in that meeting?

13 A Just him and I.

14 Q And where did the meeting take place?

15 A In the lobby.

16 Q What was the purpose of that meeting?

17 A To go for my transfer request.

18 Q Why did you want to transfer?

19 A Because I was moving cities from San Pablo to Fairfield.

20 Q During the meeting, did Mr. Schultz say anything about the
21 Union?

22 A Yes.

23 Q What did he say?

24 A He said that the store that I was requesting to go to did
25 not have any Union activity, and that if I did want to go

1 there, it would be like starting over.

2 Q And when was the second of those two meetings with Mr.
3 Schultz?

4 A Also a month after the first initial meeting.

5 Q And who was in the meeting?

6 A Just him and I.

7 Q And where did it take place?

8 A In the lobby.

9 Q And during that meeting, did Mr. Schultz say anything
10 about the Union?

11 A Yes. He mentioned again how once I transfer, I would not
12 have to deal with any of the Unions anymore.

13 Q In addition to Mr. Schultz, did you have any other one-on-
14 one meetings with management about the Union?

15 A Yes.

16 Q With who?

17 A Kris.

18 Q When was the first time you met individually with Ms.
19 Aycock when the Union came up?

20 A It was a couple of days after the big staff meeting.

21 Q And where did that meeting take place?

22 A In the lobby.

23 Q Was anyone else present?

24 A No.

25 Q Had you ever met with Ms. Aycock in the lobby of the store

1 before?

2 A No.

3 Q Where did your conversations with Ms. Aycock usually take
4 place?

5 A On the floor while working.

6 Q Who initiated the meeting in the lobby?

7 A Kris.

8 Q What did Ms. Aycock tell you during that meeting?

9 A She brought up the Ten Things to Know About a Union flyer
10 and said that I'd be a great candidate to talk about this topic
11 with any of my co-workers. And because I'm, you know, great at
12 training and I know how to connect with people, I retain
13 information easily. She said that I would be really good at
14 this and if I wanted to, could I?

15 Q And did you say anything in response to her?

16 A I told her, "Thank you for thinking of me." But no, just
17 because I had a lot on my plate and I was too busy. I did not
18 want her at the time to know that I was pro-union and to do
19 this for Starbucks.

20 Q And did she say anything in response to you?

21 A Yes. She said that if I changed my mind, to come to her,
22 that she had more information and that -- yeah.

23 Q How long did the meeting last?

24 A About 15 minutes.

25 Q At any point during the meeting, did Ms. Aycock tell you

1 the meeting was voluntary?

2 A No.

3 Q At any point during the meeting, did Ms. Aycock tell you
4 that you would not be retaliated against if you did not meet
5 with her?

6 A No.

7 Q I am now showing you a document that has been marked, GC
8 Exhibit 10. This document contains a picture. Do you
9 recognize what's depicted in this picture?

10 A Yes.

11 Q And what is this a picture of?

12 A Ten Things to Know About a Union flyer.

13 Q Is this a true and accurate depiction of the flyer that
14 Ms. Aycock referenced during your meeting with her?

15 A Yes.

16 Q And did you take this picture?

17 A Yes.

18 Q When did you take this picture?

19 A May 13th of 2022.

20 Q And how do you know that's the date you took the picture?

21 A Because it says it on my phone.

22 Q Thank you. Did you ever talk to Ms. Aycock about the
23 Union when you were working on the floor?

24 A Yes.

25 Q When?

- 1 A Pretty regularly. About three to four times a week.
- 2 Q And who was present for those conversations?
- 3 A Anyone who was working.
- 4 Q What would Ms. Aycock say?
- 5 A She would talk about the Union and she would say how she
- 6 didn't understand why anyone would want to vote for that or be
- 7 a part of it, that it wouldn't make us productive, it would
- 8 make things worse, and that -- yeah.
- 9 Q Did she say anything about benefits?
- 10 A Yeah, she said how we wouldn't receive any benefits after
- 11 we become part of the Union.
- 12 Q In addition to your individual meetings and conversations
- 13 with Ms. Aycock, did you have any other meetings with her about
- 14 the Union?
- 15 A Yes.
- 16 Q When?
- 17 A It was about a month after the big staff meeting.
- 18 Q And what was the purpose of the meeting?
- 19 A It was a shift supervisor meeting.
- 20 Q Where did that meeting take place?
- 21 A In the lobby.
- 22 Q Who was present for the meeting?
- 23 A Just the shift supervisors, the newly promoted assistant
- 24 manager, Jove Pena, and then the store manager, Kristen Aycock.
- 25 Q Who initiated the meeting?

1 A Kris.

2 Q How did Ms. Aycock start the shift supervisor meeting?

3 A She started it by saying how she knew -- that she wanted
4 us to know that she knew that we were unionizing and wanted to
5 air it all out. And she directly told me that she knew that I
6 was talking about the Union. And she said this in front of
7 everyone because she had the individual meeting with me before,
8 about wanting me to talk for Starbucks, though.

9 Q Did Ms. Aycock say anything about her personal experience?

10 A Yes. She said in her personal experience that, you know,
11 with her wife being in health care, working in health care, and
12 how they have a Union, that it wasn't always the best thing.

13 Q Did Ms. Aycock say anything about what would happen if you
14 unionized?

15 A Yes. She said as a manager, she would be pretty much
16 rendered useless, that she would no longer be able to do the
17 things that she does to help us out, that everything would be
18 going through the Workers United Representatives and Starbucks
19 lawyers.

20 Q Did she say anything else about what would happen if you
21 unionized?

22 A Yeah. She said that it would potentially take years to
23 come to any resolution for even small things like maintenance
24 requests or -- yeah -- or transfer requests.

25 Q Did Ms. Aycock say anything about Max Pape?

1 A Yes. She said that someone had told her that Max had
2 thrown away the Starbucks flyers, such as the Ten Things to
3 Know About a Union flyer and other papers about benefits, and
4 that she said that behavior was unacceptable and illegal, and
5 that because of that, she had a one-on-one meeting with Max
6 that she wanted to let us know about. And she said that
7 through this meeting and talking with Max, she came to realize
8 that Max's views weren't a personal attack against her, but
9 that it was more of Max's views with society and just wanting
10 to improve conditions.

11 Q And did she say anything about Ms. Pape putting up any
12 flyers?

13 A Yes. She told us that Max had put up her own personal
14 like Union papers about it, pro-union, and that she threw those
15 away because she wanted to let us know anything not Starbucks
16 approved cannot go up on the refrigerators or in the back.

17 Q Did Ms. Aycock say anything about new hires?

18 A Yeah. She brought up a new hire, barista, who was an
19 English second language speaker, and she said that we were
20 speaking over her with our, you know, pro-union, that we were
21 speaking over anybody who wasn't experienced and with Starbucks
22 for a long time because they didn't know what they were getting
23 themselves into, and that it wasn't fair to them. And that
24 with this barista, who is English second language speaking,
25 that we coerced her and that with being a part of the Union,

1 she would not be able to work with Starbucks anymore with her
2 authorization card.

3 Q Did Ms. Aycock say anything about employees talking about
4 Unions or the Union?

5 A Yes. She said that from now on, we were not allowed to
6 talk about the Union on the clock or on the premises, and that
7 if we were to do that, it had to be on our own through a group
8 chat, anything outside of work.

9 Q Did she say anything about shift supervisor involvement in
10 what Max was doing? Let me rephrase. Did she -- did Ms.
11 Aycock say anything about what shift supervisors should be
12 doing in response to Ms. Pape's behavior?

13 A I don't know.

14 Q Did Jove Pena say anything in the shift supervisor
15 meeting?

16 A Yes. He was just nodding along in agreement the whole
17 time. And at the very end, he said that if he overheard
18 anyone, you know, talking about the Union, that he would report
19 it.

20 Q How long was the shift supervisor meeting?

21 A About half an hour.

22 Q At any point during the meeting, did Ms. Aycock or Mr.
23 Pena tell you the meeting was voluntary?

24 A No.

25 Q At any point during the meeting, did Ms. Aycock or Mr.

1 Pena tell you that you would not be retaliated against if you
2 did not attend the meeting?

3 A No.

4 Q Have you ever had a shift supervisor meeting with Ms.
5 Aycock or Mr. Pena before?

6 A Yes.

7 Q When?

8 A Weekly.

9 Q And where would those meetings take place?

10 A In the lobby or out on the patio if the weather was nice.

11 Q How long did the shift supervisor meetings usually last?

12 A An hour.

13 Q Who attended?

14 A The shift supervisors, assistant manager, and store
15 manager.

16 Q And were those meetings mandatory?

17 A Yes.

18 Q What was the purpose of the regular shift supervisor
19 meetings?

20 A To go over how we were doing as a whole store, what we
21 could do as leaders to help anyone be up to par if they needed
22 more training, if they needed to be updated on any new
23 training, to go over any maintenance requests, if any incident
24 reports happened, if we've got to take any more safety
25 precautions or measures, or to make sure that they're in

1 effect, and to go over all of the sales goals. Yeah.

2 Q And did any of that content that you just testified to
3 come up during the meeting when Ms. Aycock discussed the Union?

4 A No.

5 Q Did Mr. Pena attend the regular shift supervisor meetings?

6 A Yes.

7 Q And would he speak during those shift supervisor meetings?

8 A Yes.

9 Q What would he say?

10 A He was always positive about how we were doing. He would
11 talk to us about his experience and what worked with him in the
12 past, how we can connect with people, better uplift everyone,
13 and to -- just to give us his experience with meeting those
14 sales goals.

15 Q After the shift supervisor meeting, did you ever speak
16 with Ms. Aycock again about the Union?

17 A Yes.

18 Q When?

19 A It was a couple of days after the shift supervisor meeting
20 with my next shift with her.

21 Q And where did that conversation take place?

22 A On the floor.

23 Q Who was present?

24 A Just her and I. Anyone passing by, though, could -- could
25 overhear.

1 Q And what did Ms. Aycock say?

2 A She said that — like what she went over in the meeting —
3 that if anyone could request their Union cards back from Max,
4 that Max was kind enough to do so. And she said that she got
5 the second-language speaking barista to get hers back.

6 She told me how she also got another person back, a
7 barista who was looking for a promotion, who did get promoted
8 after the election; and that now is my opportunity to do so as
9 well, that I should take the chance to request my Union card
10 back.

11 Q And did you have any other conversations with Ms. Aycock
12 after the shift supervisor meeting?

13 A Yes.

14 Q And where did that meeting take place?

15 A On the floor.

16 Q When did it occur?

17 A Also, that was after the shift supervisor meeting.

18 Q And who was present for that conversation?

19 A Just her and I.

20 Q And what did she say?

21 A She said, "I know you're pro-Union", and she was trying to
22 confirm that with me. So I said yes.

23 Q And did she say anything else?

24 A No.

25 Q During the Union-organizing drive, did you wear a Union

1 pin?

2 A Yes.

3 Q When?

4 A When Max gave it to me, around the time that I signed the
5 Union card.

6 Q And how regularly would you wear it?

7 A Every day.

8 JUDGE RINGLER: So I don't know when she signed the Union
9 card, though, just for the record.

10 THE WITNESS: Um-hum.

11 Q BY MS. MILLER-WALFISH: Around what time of year did Ms.
12 Pape give you the Union pin?

13 A I signed the card May 28th of 2022, so about right after
14 that.

15 Q And did you ever wear the Union pin in front of Ms.
16 Aycock?

17 A Yes.

18 Q What about in front of Mr. Pena?

19 A Yes.

20 Q And when would you wear it in front of them?

21 A Every shift.

22 Q Every shift that you worked?

23 A Yes, just every shift that I worked.

24 Q Okay. And how regularly did you work shifts with Ms.
25 Aycock?

- 1 A About three, four times a week.
- 2 Q And what about Mr. Pena?
- 3 A About three times a week.
- 4 Q Were employees at the San Pablo store allowed to talk
5 about non-work-related issues while on the clock?
- 6 A Yes.
- 7 Q Can you give me an example?
- 8 A Talking about each other's days, how their weekends went,
9 any events coming up that they were going to be going to,
10 things that were going on, like in their home, if they had any
11 problems, or if, you know, things were going good. Any, you
12 know, life events.
- 13 Q And how often would these types of conversations take
14 place?
- 15 A Every shift.
- 16 Q Did the assistant store manager or store manager ever talk
17 about non-work-related issues on the clock?
- 18 A Yes.
- 19 Q Can you give me an example?
- 20 A Yeah. Talking about their days, talking about, you know,
21 what's going on in their life, if any home renovations, any --
22 you know, if they're going to be moving to a different place.
- 23 Q And how regularly would that take place?
- 24 A Every shift.
- 25 Q You previously mentioned you stopped working for the

1 Employer in September of 2022. Did you voluntarily quit?

2 A Yes.

3 Q Do you work for the Union?

4 A No.

5 Q Have you ever worked for the Union?

6 A No.

7 Q Drawing your attention back to the conversation when Ms.
8 Aycock told you that she knew you were pro-Union; did that
9 happen before or after you started wearing the Union pin?

10 A That happened before.

11 Q Before you started wearing your Union pin, did you ever
12 tell Ms. Aycock that you supported the Union?

13 A No.

14 MS. MILLER-WALFISH: Thank you, Ms. Brantingham. Those
15 are all my questions.

16 JUDGE RINGLER: Okay. Do we have an affidavit for this
17 witness?

18 MS. MILLER-WALFISH: We do, Your Honor.

19 JUDGE RINGLER: All right. How long are we talking?

20 MS. MILLER-WALFISH: I believe it is 12 pages but let me
21 get it out just to confirm.

22 MS. GOMEZ: And along those lines, sir, we never received
23 back Ms. Pape's affidavit, so at this time, I'd like to request
24 it back --

25 JUDGE RINGLER: Yes.

1 MS. GOMEZ: -- since her testimony is over.

2 UNIDENTIFIED SPEAKER: Oh, I'll take that.

3 MS. MILLER-WALFISH: Yes, and it's --

4 JUDGE RINGLER: Okay. So that --

5 MS. MILLER-WALFISH: -- 12 pa --

6 JUDGE RINGLER: -- has been returned? Thank you.

7 MS. MILLER-WALFISH: Yes.

8 JUDGE RINGLER: And then we've got a 12-pager, so why
9 don't we reconvene at noon? And once again, if you need a
10 couple more minutes, let me know.

11 MR. ARCEO: Okay.

12 JUDGE RINGLER: So we'll go back on the record at noon.

13 So you're free to certainly stretch your legs, whatever.
14 Just don't discuss your testimony with anyone. Thank you.

15 THE WITNESS: Thank you.

16 (Off the record at 11:41 a.m.)

17 JUDGE RINGLER: All right. We're back on.

18 MR. ARCEO: Okay.

19 **CROSS-EXAMINATION**

20 Q BY MR. ARCEO: Hi, Ms. Michaela, my name is Alvin. I'm
21 counsel for Respondent Starbucks. I'm just going to ask you a
22 few questions. If you need me to clarify any of my questions,
23 you feel free to ask me to do so.

24 So the big staff meeting that you're referring to around
25 late April, this was scheduled about a week before --

1 A Yes.

2 Q -- is your testimony? And do you know if this was before
3 or after the Union activities had begun?

4 A Before.

5 Q Before?

6 A Yeah.

7 Q Okay. So it's your testimony that there's a week notice
8 before any Union activity?

9 MR. ARCEO: Sorry, let me rephrase that.

10 Q BY MR. ARCEO: So it's your testimony that there's a
11 week's notice prior to the big staff meeting?

12 MS. GOMEZ: Objection, asked and answered. She already
13 answered that.

14 JUDGE RINGLER: Overruled. You can -- you can answer the
15 question. Go on.

16 A Yes. There was the weeks' notice --

17 JUDGE RINGLER: Oh, I was --

18 A -- prior to the big staff meeting. Sorry.

19 JUDGE RINGLER: You realized. Okay, yeah. So --

20 MS. GOMEZ: I apologize.

21 JUDGE RINGLER: -- Counsel, it would be your province to
22 object --

23 MS. MILLER-WALFISH: Okay.

24 JUDGE RINGLER: -- because you did the direct.

25 MS. GOMEZ: I apologize.

1 JUDGE RINGLER: No, no worries. No worries at all.

2 Q BY MR. ARCEO: And prior to April of 2022, how long had
3 Pete Schultze been your DM?

4 A He was fairly new --

5 Q Okay. Do you know --

6 A -- to us overseeing our store. I do not know how long he
7 was as a district manager in general, if that's what you're
8 asking.

9 Q I meant, to your region, to you.

10 A Yeah, he was new.

11 Q Okay. And it's your testimony that you had about one to
12 two store-wide meetings a year?

13 A Yeah.

14 Q And can you tell me who's -- who was involved?

15 A For which meetings? Just --

16 Q The store-wide meetings; bigger staff meetings like that
17 happened at the end of April.

18 A It would include the baristas, shift supervisors,
19 assistant manager if there was one, the store manager -- whoever
20 that was going to be at the time -- and if there was a district
21 manager popping in, they would just usually say hello, who they
22 were, introduce themselves, and say that they were supporting
23 the store manager.

24 Q Okay. And are you aware of anyone being disciplined for
25 discussing the Union during work?

- 1 A I'm not.
- 2 Q No? No one was suspended?
- 3 A No.
- 4 Q No one was written up?
- 5 A Not that I know of.
- 6 Q Okay. And when Chris said, "why would you want to", when
7 you said that you overheard Chris speak about why individuals
8 would even want to unionize, were those her exact words?
- 9 A Yes.
- 10 Q Okay. And when were you speaking to Pete about -- I know
11 you gave a rough approximation, but if you can give a closer
12 date, you know, within a week or so -- the meetings of when you
13 were transferred -- or when you were thinking of transferring,
14 and when you spoke with Pete regarding the same?
- 15 A It was like a month after the big staff meeting, so --
- 16 Q So is it fair to say --
- 17 A -- around June.
- 18 Q Okay.
- 19 A You know, if it was, you know, late April or early May,
20 then, you know, next month after that, around June, was when I
21 had my transfer request.
- 22 Q And that was your testimony that it was because you were
23 moving cities?
- 24 A Yes.
- 25 Q Okay. And do you -- is it fair to say that you frequently

1 attended the staff supervisor meetings?

2 A Those are separate. The staff meetings include everyone,
3 and then the shift supervisor meetings include just the shift
4 supervisors with the management. And yes, I would attend
5 both --

6 Q Okay.

7 A -- every time.

8 Q And while you're there, what would you discuss?

9 A For which ones?

10 Q The staff supervisor meetings.

11 MS. MILLER-WALFISH: You -- you're -- could you clarify
12 the question?

13 MR. ARCEO: I'd --

14 JUDGE RINGLER: I think it's a shift or shift
15 supervisor --

16 MR. ARCEO: Yes.

17 JUDGE RINGLER: -- or staff meetings is --

18 MR. ARCEO: Yeah, so the --

19 JUDGE RINGLER: -- what you're thinking. So whichever
20 one.

21 MR. ARCEO: the supervisor meetings with these --

22 A So with the shift supervisor meetings, what was your
23 question?

24 Q BY MR. ARCEO: What would be discussed during these
25 supervisor meetings?

1 A We would discuss any of the improvement that we could do
2 with baristas, if they needed more training, if we could get
3 them up to date on that; if there was any maintenance request
4 put in that we all needed to be aware of, anything that was not
5 working, how that would affect our sales.

6 We were talking about incident reports if anything came up
7 with -- you know, say something happened, we had to make sure
8 that we report that, and then make sure that everyone is still
9 safe due to what happened.

10 We talked about sales goals and how we can meet that, if
11 we can be efficient, any other ways to do better. And yeah.

12 Q Okay. And with respect to the Union pin, without telling
13 me their names, did other partners work in?

14 A Yes.

15 Q Do you know roughly how many partners would work in this?

16 A Five or more.

17 Q Five or more?

18 A It's five or more.

19 Q Do you know of anyone that was disciplined?

20 A No.

21 Q No one was written up?

22 A No.

23 Q No one was --

24 MS. MILLER-WALFISH: Objection. Are you -- can you
25 clarify whether you know -- whether she knows --

1 MR. ARCEO: Yeah, to your knowledge.

2 MS. MILLER-WALFISH: -- or whether -- yes.

3 Q BY MR. ARCEO: To your knowledge --

4 A To my knowledge, no.

5 Q -- are you of aware of anyone that was disciplined?

6 A No.

7 Q To your knowledge, do you know of anyone that was
8 suspended?

9 A No.

10 Q To your knowledge, do you know of anyone that was written
11 up?

12 A No.

13 MR. ARCEO: Okay.

14 MS. MILLER-WALFISH: Can you clarify whether, to her
15 knowledge, they were disciplined or written up for -- for what?

16 MR. ARCEO: For wear --

17 JUDGE RINGLER: So direct your objections to me, please.
18 And I will overrule the objection. So we'll let the answer
19 stand.

20 Q BY MR. ARCEO: And when did you put in your transfer
21 request?

22 A Around June of 2022.

23 Q Okay. And why did you quit Starbucks? Why did you quit
24 working with Starbucks?

25 A I quit because I had family emergencies going on, that

1 with moving down there, and family-related issues, as well as
2 being influenced by Pete's remarks with having to start over
3 with, you know, going to a new store, after everything that I
4 went through with the treatment of management, and how that
5 went, I could not deal with being in -- in that work
6 environment again.

7 Q Okay. But you were transferred at another store, correct?
8 What'd they say?

9 A I did not. I quit before I would have been transferred.

10 Q Okay. And how much time did you put in with respect to
11 organizing the Union, you know, wearing pins, discussing the
12 Union with other employees?

13 A Could you say that again?

14 Q Yeah. How much time --

15 MS. MILLER-WALFISH: Objection. Beyond the scope of
16 direct.

17 JUDGE RINGLER: Sustained. I don't think it's relevant,
18 also.

19 MR. ARCEO: That's all my questions.

20 JUDGE RINGLER: All right. Anything on redirect?

21 MS. MILLER-WALFISH: Your Honor, may I request a few
22 minutes to just gather my notes off the record?

23 JUDGE RINGLER: Of course.

24 MS. MILLER-WALFISH: Thank you.

25 JUDGE RINGLER: You're welcome. So we'll go off the

1 record for just a couple.

2 (Off the record at 12:14 p.m.)

3 JUDGE RINGLER: Okay.

4 **REDIRECT EXAMINATION**

5 Q BY MS. MILLER-WALFISH: Ms. Brantingham, based on your
6 testimony, I just wanted to ask you a few additional questions.

7 In regard to the meeting that happened in or around April
8 or May, you testified during your direct examination that you
9 were given a week's notice. Do you know when the meeting was
10 scheduled?

11 A The exact date? I do not remember.

12 Q Okay. So when did you become aware of the meeting?

13 A A week before the meeting occurred.

14 Q Okay. And were the only staff meetings that you
15 participated in, the meetings that you testified to on direct
16 examination?

17 A Yes.

18 MS. MILLER-WALFISH: Thank you, Your Honor. Those are all
19 my questions.

20 JUDGE RINGLER: Okay, thank you. Any recross on that
21 basis?

22 MR. ARCEO: No, Your Honor.

23 JUDGE RINGLER: All right. Very good.

24 Thank you for your testimony. You're excused. Please do
25 not discuss your testimony with anyone.

1 THE WITNESS: Thank you.

2 JUDGE RINGLER: All right. You're welcome.

3 Okay. So while we're on the record, have you had a chance
4 to review the discovery, and --

5 MS. GOMEZ: I have not had a chance to review discovery.
6 I have a couple of clarifying questions for Respondent, so
7 hopefully they can help me try to understand the discovery.

8 So we received multiple different types of files.

9 JUDGE RINGLER: Sure.

10 MS. GOMEZ: We received text files, and I have a copy so
11 that you could see what I mean when I say text, it's -- it's
12 literally text. So this is what it looks like.

13 JUDGE RINGLER: Okay. Okay.

14 MS. GOMEZ: So as you see, these text files are neither
15 labeled or numbered, so I don't know what these text files are.
16 So I will have to go and try to assess what these documents
17 are.

18 JUDGE RINGLER: Right.

19 MS. GOMEZ: And then we also received images that seem to
20 be pictures of PDFs that are single pages, so if it's a ten-
21 page email, that means that I have ten images that I have to
22 open up and then print off of. Those images, however, are also
23 not labeled. And when I say they're not labeled, it means that
24 I don't know exactly what subpoena request --

25 JUDGE RINGLER: Right.

1 MS. GOMEZ: -- are these documents that I've received in
2 response to, so I don't know necessarily what I'm looking at.
3 I'm looking at a lot of things, and so it'll be up to me to
4 figure that out.

5 So I do request time to be able to do that. And to the
6 extent --

7 JUDGE RINGLER: Now, Counsel --

8 MS. GOMEZ: that Respondent could create an index for
9 me --

10 JUDGE RINGLER: I -- I'm not sure --

11 MS. GOMEZ: -- that would be good.

12 JUDGE RINGLER: -- why haven't you told them what subpoena
13 paragraphs your responses relate to?

14 MR. GARBER: Sure.

15 JUDGE RINGLER: I mean you -- you have to do that under
16 the federal rules, and you folks are always citing, hey, the
17 federal rules, we have to --

18 MR. GARBER: Yeah --

19 JUDGE RINGLER: -- do X, Y, and Z. And this is --

20 MR. GARBER: I don't --

21 JUDGE RINGLER: -- and this is fine. That was the basis
22 of a lot of your argument in the petition to revoke. So why is
23 this like a guessing game? It's a waste of everyone's time,
24 really.

25 MR. GARBER: I see what you're saying. I don't know that

1 I agree with it, that has to be marked in terms of, its
2 response to this request and this request.

3 We've produced it in the native format like we discussed
4 in TIFF+; those are the images that we had discussed.

5 When you say they're not marked, are they not -- are there
6 no Bates stamps on them?

7 MS. GOMEZ: But that's it. What is Bates stamps --

8 JUDGE RINGLER: Right.

9 MS. GOMEZ: -- doesn't indicate --

10 JUDGE RINGLER: I think --

11 MS. GOMEZ: -- what the document is to me.

12 JUDGE RINGLER: Yeah, I think they don't know. And it's
13 creating a big, inefficient guessing game that paragraph -- you
14 know -- 1 of our subpoena refers to this. You know, it could
15 be 15.

16 I mean, it would be different if you categorize these
17 things, and, you know, then they -- they went from there. But
18 now it's, you know, who knows? And I --

19 MR. GARBER: Right.

20 JUDGE RINGLER: -- it did curtail a lot of the scope of
21 it, really, with the hope that there'd be some effort to
22 streamline this on -- on your behalf. And now -- so what are
23 we -- what are we going to do about this?

24 MR. GARBER: Right. I -- I appreciate what you're saying.
25 I -- I disagree, though, that we need to provide an index of --

1 of documents under the federal rules.

2 JUDGE RINGLER: Yeah, okay. Well, we -- we don't need to
3 debate that. I think it's pretty clear you do. But what are
4 we going to do to resolve this? Is there an intention to
5 resolve this on your part?

6 MR. GARBER: How would you like it resolved?

7 JUDGE RINGLER: How would you like it resolved?

8 MS. GOMEZ: I would like an index, so I know what I'm
9 looking at --

10 JUDGE RINGLER: Okay.

11 MS. GOMEZ: -- and then I'm going to need time. And then
12 does the --

13 JUDGE RINGLER: So is there --

14 MS. GOMEZ: Because there's 491 --

15 JUDGE RINGLER: Rather --

16 MS. GOMEZ: -- documents --

17 JUDGE RINGLER: Right.

18 MS. GOMEZ: -- I was going to say.

19 JUDGE RINGLER: I'm sorry. I didn't catch that last part.

20 MS. GOMEZ: There's 491 documents, so if --

21 JUDGE RINGLER: Okay.

22 MS. GOMEZ: -- this were ten documents, it'd be different.
23 But it's quite voluminous what I've received.

24 JUDGE RINGLER: Right. So I don't have it in front of me,
25 obviously. So I'm trying to brainstorm with you folks -- and

1 we're still on the record, I take it? Good. Okay.

2 JUDGE RINGLER: I'm trying to brainstorm how we can do
3 this efficiently. Would this be something that, if they sat
4 with you as you went through these things and pointed out this
5 replies to, you know, this subpoena paragraph, and this replies
6 to that, would that be useful?

7 MS. GOMEZ: That would be, yeah. If someone wants to sit
8 with me, and open up each one of these images, as --

9 JUDGE RINGLER: How long is that going to take?

10 MS. GOMEZ: I think it will take some time because --

11 JUDGE RINGLER: That would take some time.

12 MS. GOMEZ: -- like I said, it's going to be -- it's I
13 have to open up 491 single images and then print that. So it's
14 not like I can -- if it's a ten-page document, I can't just hit
15 print and ten pages are going to come out. I'm going to have
16 to print, open up each individual one of those pages, and then
17 print out --

18 JUDGE RINGLER: Okay.

19 MS. GOMEZ: -- that document and then collect it --

20 JUDGE RINGLER: I understand that.

21 MS. GOMEZ: -- and set it aside.

22 JUDGE RINGLER: Okay. So at the end of the day, what I
23 would like is for them to know when they're opening something,
24 this refers to a specific paragraph in the subpoena. How could
25 you most efficiently do that?

1 It might be very inefficient for you all --

2 MR. GARBER: Yeah.

3 JUDGE RINGLER: -- to sit together and go through it, and
4 you're like, okay, this is one, this is one and three, or
5 whatever. How could we --

6 MR. GARBER: That -- yeah --

7 JUDGE RINGLER: -- how could we do that?

8 MR. GARBER: -- I -- I don't know the answer off the top
9 of my head. I can look into it right now, though. I just
10 don't know.

11 JUDGE RINGLER: Okay. And now we could go -- we could go
12 off the record for just a moment. Let me -- I'm just trying to
13 think about this out loud.

14 (Off the record at 12:21 p.m.)

15 JUDGE RINGLER: All right. So we're back on the record.

16 So at this point, one more time from the GC, what are
17 you -- what are you seeking from Respondent that you don't
18 have?

19 MS. GOMEZ: Currently?

20 JUDGE RINGLER: Um-hum.

21 MS. GOMEZ: I would like an index properly identifying the
22 documents that have been produced, as well as a corresponding
23 number to which subpoena request they are in response to.

24 JUDGE RINGLER: Okay. And I think that's a fair request.
25 I'm directing Respondent to do that.

1 Now you're going to research -- I realize you haven't
2 committed to me --

3 MR. GARBER: Um-hum.

4 JUDGE RINGLER: -- that you're -- you're going to do that.
5 I appreciate that. You're going to research.

6 And by the time we reconvene after our lunch break, guide
7 me in terms of, "no, Judge, I think we've complied with the
8 rules," or "Judge, yes, we'll provide this, and we'll -- we'll
9 do it by," you know, X date, or X time, or whatever, kind of
10 thing.

11 So we have that as a pending request and that -- that's
12 out there.

13 Now, I will ask the GC this: if the answer is "no,
14 Counsel, I don't think we have to do it," are you folks going
15 to enforce the subpoena in federal court?

16 MS. GOMEZ: No, I'm not going to seek subpoena
17 enforcement, but I will seek hours to -- I --

18 JUDGE RINGLER: Right.

19 MS. GOMEZ: -- I'm going to look through those documents.

20 JUDGE RINGLER: Right.

21 MS. GOMEZ: And so at that point, I will seek a recess.

22 JUDGE RINGLER: Right. Okay. So I think what we're going
23 to do is this -- and I appreciate you feel that -- and I think
24 you said it off the record -- that you're compromised some way
25 in your cross of -- of their witnesses. I'm not sure that

1 that's true or not.

2 So what we're going to do is, when we reconvene, they'll
3 guide us in terms of what they're going to provide.

4 We'll call our first Respondent witness when we reconvene
5 after lunch, so we'll make it a little longer, because I think
6 maybe you were expecting that we would start calling witnesses
7 tomorrow.

8 So we'll call our first Respondent witness at 2, so you
9 folks have a chance to have your lunch, and also decide what
10 you want to do.

11 And certainly the GC is resting, subject to your view of
12 the documents. We'll figure out the logistics of -- of that
13 happening. I expect that there's probably some review that
14 could occur, you know, tonight and tomorrow morning before we
15 start.

16 MS. GOMEZ: Sure.

17 JUDGE RINGLER: I think in an 8(a)(1) case -- where, you
18 know, it's really what the employees heard, and what the
19 supervisors are saying that they actually said, and I've got to
20 make a credibility decision -- this stuff might not rule the day
21 at the --

22 MS. GOMEZ: Sure.

23 JUDGE RINGLER: -- at the end of the day; that's probably
24 the likelihood. You're certainly free to formally ask for
25 whatever Bannon-Mills sanctions you think are appropriate,

1 depending on what the -- what the response is from Respondent,
2 and I'll certainly rule on that in my decision. I'm not going
3 to rule on it now or preclude evidence, and I don't intend to
4 do that, just to be forthright, and we'll deal with it from
5 there.

6 Now, I would expect, to the extent that these things are
7 all business records, that even if we hold the record open, if
8 we finish testimony tomorrow, that that's something you folks
9 can probably agree to. That, hey, it's a business record, it's
10 relevant, it's authentic, and thus we don't have to physically
11 get together again. But we'll figure that part of it -- that
12 part of it out.

13 MS. GOMEZ: Your Honor, if I may, for clarifying purposes,
14 with respect to the last point you made, meaning that we would
15 at that point be allowed to move into introduction any of these
16 documents that we deem necessary for our case-in-chief,
17 without --

18 JUDGE RINGLER: Well, you're -- you're offering them to
19 me.

20 MS. GOMEZ: Sure, sure, sure.

21 JUDGE RINGLER: Now, it's possible you're looking to have
22 a document admitted that I'm like, I have no clue why -- I'm
23 not suggesting --

24 MS. GOMEZ: Sure, sure, sure.

25 JUDGE RINGLER: -- this is the case, but it's happened to

1 me before, right?

2 So if that's the case, then I -- I probably wouldn't allow
3 you -- allow it in.

4 MS. GOMEZ: Okay.

5 JUDGE RINGLER: You could ask for it to be put in rejected
6 exhibits, and if it's something that's, you know, relevant,
7 certainly I'd-- I'd be open to -- to doing that.

8 My hope is -- is that you can identify what you have, talk
9 to them, and I'm not suggesting it has to be a joint exhibit,
10 but maybe it'd be something that they don't object to, as a way
11 for us to kind of work through this.

12 So when we reconvene after lunch, you could certainly rest
13 subject to your review of these documents. And I'll -- you
14 know, once we find out where we are tomorrow, I'll tell you how
15 long, you know, you have to do that. And maybe you can guide
16 me more --

17 MS. GOMEZ: Sure.

18 JUDGE RINGLER: -- in terms of how long it might take you.

19 I'm never sure what you're able to do in the regional
20 office on your own, or what you need a contractor to assist
21 with, and -- and you could educate me on that in this
22 particular case. You know, what's -- what's at issue. And
23 then you could also educate me when we get back if --

24 MR. GARBER: Sure.

25 JUDGE RINGLER: -- we're able to break these things up for

1 us.

2 MR. GARBER: Just so we're clear, so the -- the General
3 Counsel is resting subject to --

4 JUDGE RINGLER: Yeah, they don't have any more witnesses.

5 MR. GARBER: Okay, I just wanted to make sure. Okay.

6 JUDGE RINGLER: Yeah.

7 MR. GARBER: We were not anticipating finishing this
8 early. We could -- we can get one in witness for sure at 2.

9 JUDGE RINGLER: Yeah, that's why I said 2:00.

10 MR. GARBER: Yeah. I don't think we'll be able to --
11 we -- we'll have three witnesses. I don't think we'll be able
12 to get the other two in today. They were -- they were planning
13 on being off tomorrow to -- to come, but we can get -- we can
14 get one in for sure.

15 JUDGE RINGLER: Okay. Well, how long is the witness going
16 to take that you're going to call?

17 MR. GARBER: An hour-ish, give or take. Plus cross --

18 JUDGE RINGLER: I'd like you to start making your calls to
19 see if somebody can come in.

20 MR. GARBER: Okay.

21 JUDGE RINGLER: I mean, I realize, somebody's a store
22 manager, whatever --

23 MR. GARBER: Yeah.

24 JUDGE RINGLER: -- store managers aren't there all the
25 time, I'm assuming, right? They do have some time off, so --

1 MR. GARBER: Yeah.

2 JUDGE RINGLER: -- it's feasible. Because I'd like for us
3 to use our time efficiently --

4 MR. GARBER: Right.

5 JUDGE RINGLER: -- right? Government paid for me to fly
6 out here. They don't need me staying -- you know, being a
7 tourist in San Francisco --

8 MR. GARBER: Okay.

9 JUDGE RINGLER: -- for an extra day. So okay. So we'll
10 reconvene. All that long way of saying we'll see you folks at
11 2.

12 MR. GARBER: Okay.

13 JUDGE RINGLER: You know the different things. And I'm
14 expecting you're going to let me know about. And we'll --
15 we'll take it from there.

16 And maybe this is also a chance for the GC to kind of
17 assess like, oh, I feel good about this, or I feel good about
18 that. I might need this, I might need that, whatever. I could
19 really hone in on these things, right?

20 MS. GOMEZ: Yes, Judge.

21 JUDGE RINGLER: Because, you know, there's no meeting
22 notes; that would be --

23 MS. GOMEZ: Sure, yeah.

24 JUDGE RINGLER: -- obviously very, very important.

25 MS. GOMEZ: Yeah.



1 JUDGE RINGLER: So. Okay, good deal. 2:00.

2 MS. GOMEZ: Thank you, Your Honor.

3 MR. GARBER: Okay.

4 (Off the record at 12:29 p.m.)

5 JUDGE RINGLER: All right. So I think we had a couple of
6 housekeeping things to take care of. So you were going to
7 guide me in terms of how long you anticipated your potential
8 review might take.

9 MS. GOMEZ: Thank you, Your Honor. So we've started the
10 printing process and we've been able to print -- how many?

11 MS. MILLER-WALFISH: We've printed 150 images, which took
12 us about an hour, to print those 150 images out of 491.

13 JUDGE RINGLER: So maybe printing might take about three
14 hours. And then once it's printed, you've got to review it?

15 MS. MILLER-WALFISH: Correct.

16 JUDGE RINGLER: Okay. Okay, so I'll bear that in mind.
17 All right. And then, are you folks able to -- or willing to
18 break up the responses in terms of categories?

19 MR. GARBER: Sorry for -- are we on the record? I'm
20 sorry.

21 JUDGE RINGLER: We are.

22 MR. GARBER: Okay.

23 JUDGE RINGLER: We are, yes.

24 MR. GARBER: I do -- yeah, I --

25 JUDGE RINGLER: Or am I right about that? Okay, good.

1 MR. GARBER: Yeah, I do have a response, and I will couch
2 this in, I understand judicial efficiency, and I understand
3 everyone's position.

4 But respectfully, it is our position that Starbucks is not
5 required to provide a document-by-document index specifying
6 each document's responsiveness to the GC's subpoenas.

7 And I would direct Your Honor's attention to *Zakre v.* --
8 I'll spell out the name -- *N-O-R-D-D-E-U-T-S-C-H [sic]*. And
9 that's 2004 West Law 764895.

10 There -- this is a quote -- defendant is "is not further
11 obligated to organize and label their response to correspond
12 with the plaintiff's subpoena."

13 JUDGE RINGLER: So I'll ask you this, and if you don't
14 know, it's fine.

15 MR. GARBER: Um-hum.

16 JUDGE RINGLER: I don't -- I'm not asking you to put you
17 on the spot. That's not my intention.

18 So there were revisions to the federal rules in 2006 and I
19 think 2008 or 9 or 11, and that's a 2004 case, so that might
20 not deal with the various revisions to the federal rules.

21 So -- so anyway, I have direct you to do it. I understand
22 that you're not going to do it. If you want to, you know,
23 comment in your -- your brief because they are asking for
24 Bannon-Mills sanctions --

25 MR. GARBER: Um-hum.

1 JUDGE RINGLER: -- then -- then certainly that would be
2 appropriate. Likewise, you have this case cite; you could
3 certainly, you know, deal. It -- it's 2004. Do you want me to
4 repeat --

5 MS. GOMEZ: Yes.

6 JUDGE RINGLER: -- in 2004 West Law 76485 [sic]. Did I
7 get that right?

8 MR. GARBER: Yeah. I can give you actually a more up-to-
9 date one, too.

10 JUDGE RINGLER: Okay.

11 MR. GARBER: It's *FDIC v. Giannoulis* and that's 213 US
12 District Lexis 152092, and that's from 2014.

13 JUDGE RINGLER: Okay. So certainly I'll take a look but
14 that's -- that's where we're at.

15 So I -- I will -- as I anticipate the GC -- obviously
16 your -- your printing is going to take today, and then it's
17 going to take you a little bit to -- to look at it.

18 So you're resting subject to your review of the documents?

19 MS. GOMEZ: Yes, Your Honor.

20 JUDGE RINGLER: And then I've got -- I'll give a little
21 thought, and I'll guide you tomorrow how much longer -- if we
22 close tomorrow, how much longer I'll keep the record open for
23 you to offer additional documents. You can maybe, you know,
24 ask for something and let me know what you think is
25 appropriate. But that's how I'm going to deal with that.

1 And it might be that the additional documents or things
2 that you folks could all stipulate to --

3 MS. GOMEZ: Sure.

4 JUDGE RINGLER: -- or they don't object to, and you just
5 email. You know, Judge, these are the additional documents,
6 and you email them to the Court reporting service, and as I
7 said, I'll let you know if I admit them or not. That might be
8 option 1.

9 Option 2 might be, you might be, "Judge, I need to examine
10 somebody about this", and then I'll -- I'll see if that's
11 redundant or not, or necessary, and then I'll rule on that as
12 well. So we'll -- we'll figure that out.

13 MS. GOMEZ: Okay.

14 JUDGE RINGLER: So -- but the one thing I would want from
15 the GC is maybe, like, "oh, I need a week to have an idea," or
16 ten days, or --

17 MS. GOMEZ: Sure.

18 JUDGE RINGLER: -- whatever kind of thing; you could tell
19 me that. You know, think about it overnight, and then tell me
20 tomorrow.

21 MS. GOMEZ: Okay, great. And just to clar -- because
22 that -- that my concern is just what you've noted at the end
23 there, being able to review the documents. And if I intend to
24 examine someone with respect to those documents, having the
25 opportunity to do so.

1 And since it's -- the documents pertain to Mr. Schultz and
2 Ms. Aycock, they're here, so it might mean having to call them
3 back.

4 JUDGE RINGLER: I understand that.

5 MS. GOMEZ: Okay, I just want --

6 JUDGE RINGLER: I gotcha.

7 MS. GOMEZ: -- to make the record.

8 JUDGE RINGLER: Yeah, and that's the unfortunate reality
9 of it, because you haven't reviewed them yet.

10 MS. GOMEZ: Right.

11 JUDGE RINGLER: And we're not going to -- I'm not going to
12 stick around for ten days or fly back and forth.

13 MS. GOMEZ: Understood.

14 JUDGE RINGLER: I can't, really. You know, somebody would
15 get upset. But I might enjoy it, but someone would get mad at
16 me.

17 MS. GOMEZ: Sure. And -- and we'll do our best to --

18 JUDGE RINGLER: Yeah.

19 MS. GOMEZ: -- try to review them tonight. So if we can
20 bring it back tomorrow --

21 JUDGE RINGLER: Yeah --

22 MS. GOMEZ: -- if necessary.

23 JUDGE RINGLER: -- that would be perfect.

24 MS. GOMEZ: That --

25 JUDGE RINGLER: That would be the ideal --

1 MS. GOMEZ: Okay.

2 JUDGE RINGLER: -- if you could do that. So -- okay.

3 MS. GOMEZ: Understood. Thank you, Judge.

4 JUDGE RINGLER: So you're resting subject to review, and
5 we'll figure out if needed, how long we'll need to keep the
6 record open.

7 MS. GOMEZ: One -- actually we do have some additional
8 housekeeping issues.

9 JUDGE RINGLER: Okay.

10 MS. GOMEZ: With respect to the sanctions, I will get back
11 to you about that tomorrow, as to whether or not we'd be moving
12 for those. Is that -- is -- can I do that?

13 JUDGE RINGLER: Okay. Sure.

14 MS. GOMEZ: Okay, great.

15 JUDGE RINGLER: Sure.

16 MS. GOMEZ: And then, I do just have three additional
17 exhibits that I wanted to introduce for the purposes of making
18 the record clear. So for example, GC Exhibit 7, which I'm
19 providing Respondent a copy of now.

20 This is just the RC petition, so we can have it in the
21 record when that in fact was filed. So it's a two-page
22 document. The first one is -- the first page is the petition
23 itself, and then the second page is the affidavit of service,
24 which would actually state when that was in that file so we can
25 have that in the record.

1 JUDGE RINGLER: Okay. Any objection -- so GC-7 is our RC
2 petition. But normally, it has a filing date on it, but this
3 one does not?

4 MS. GOMEZ: Correct. For whatever reason, that's what's
5 in nexgen (phonetic throughout). But that's where we have the
6 affidavit of service, which is on the back, which shows when
7 that, in fact, was.

8 JUDGE RINGLER: Ah. I see. Okay.

9 MS. GOMEZ: So we -- we -- we saw that as well.

10 JUDGE RINGLER: Okay. Any objection to GC-7?

11 MR. GARBER: I don't object to its authenticity. I just
12 object to it being irrelevant. That's all.

13 JUDGE RINGLER: Okay. Okay. So noted. I'm going to
14 admit GC-7. We have had some testimony about it, so we'll --
15 we'll allow that in.

16 **(General Counsel Exhibit Number 7 Received into Evidence)**

17 MS. GOMEZ: Thank you.

18 JUDGE RINGLER: Okay.

19 MS. GOMEZ: And so I have -- there's GC-8.

20 JUDGE RINGLER: All right.

21 MS. GOMEZ: And this is just the stipulated election
22 agreement. Again, it's for background purposes for when -- to
23 establish the dates of when that election was held.

24 JUDGE RINGLER: Same objection?

25 MR. GARBER: Same objection.

1 JUDGE RINGLER: Okay. So noted. I'm going to admit GC-8.

2 **(General Counsel Exhibit Number 8 Received into Evidence)**

3 MS. GOMEZ: And then lastly, here, I have GC-9, which is a
4 tally of ballots of that RC election. Same purposes for
5 background. We've had testimony regarding the election and the
6 outcome of that election.

7 JUDGE RINGLER: Okay.

8 MS. GOMEZ: And so that's to corroborate that.

9 JUDGE RINGLER: So once again, I'll note your objection
10 for the record.

11 MR. GARBER: Correct.

12 JUDGE RINGLER: And I will admit GC-9.

13 **(General Counsel Exhibit Number 9 Received into Evidence)**

14 JUDGE RINGLER: Okay. All right. GC's all squared away.
15 Subject to your review of the documents, you're resting subject
16 to that?

17 MS. GOMEZ: And rebuttal, if necessary.

18 JUDGE RINGLER: Yes.

19 MS. GOMEZ: Yes.

20 JUDGE RINGLER: The request for rebuttal, right?

21 MS. GOMEZ: My request for rebuttal.

22 JUDGE RINGLER: Your request for rebuttal. Okay. So why
23 don't we start with our first Starbucks witness?

24 MR. GARBER: One quick housekeeping issue also?

25 JUDGE RINGLER: Okay.

1 MR. GARBER: The case law issue in terms of what is the
2 standard we are fighting against in terms of are we looking to
3 overturn Walmart? I -- I understand that the captive audience
4 issue -- that's kind of out there. But for the solicitation of
5 grievance cases, is the GC seeking to overturn established case
6 law?

7 MS. GOMEZ: I have not had an opportunity to follow up
8 with the Region about that, so unfortunately, I -- I -- I'm so
9 sorry, Noah, I -- I didn't. I'd like --

10 JUDGE RINGLER: Do you want to just take five minutes --

11 MS. GOMEZ: Yeah. If I could get five minutes --

12 JUDGE RINGLER: -- to see if you --

13 MS. GOMEZ: Yeah.

14 JUDGE RINGLER: -- have a position and you --

15 MS. GOMEZ: Yeah.

16 JUDGE RINGLER: -- want to state it?

17 MS. GOMEZ: Yes.

18 JUDGE RINGLER: Okay.

19 MR. GARBER: We can grab our witness in the meantime too.

20 MS. GOMEZ: Okay. Good.

21 JUDGE RINGLER: Okay. Good. Why don't we do that?

22 MR. GARBER: Yeah. We'll get --

23 JUDGE RINGLER: Very good.

24 MR. GARBER: Yeah.

25 JUDGE RINGLER: So we're just off the record for just five

1 minutes until --

2 (Off the record at 2:06 p.m.)

3 MS. GOMEZ: Thank you, everyone, for your patience. So
4 it's our position that under current extent law, under Walmart,
5 those meetings are -- the solici -- the solicitation of
6 grievances as alleged in the complaint are bad. We obviously
7 don't know what is coming down the pipeline, but we are
8 prepared to argue on brief, what is unlawful under Board law.

9 MR. GARBER: Okay. That's helpful. Thank you.

10 JUDGE RINGLER: Okay. Thank you as well. Okay. So we've
11 got our first witness for Starbucks. So first and foremost, if
12 you could spell your name for us, first and last.

13 MR. SCHULTZE: Yeah. It's David, D-A-V-I-D. Peter,
14 P-E-T-E-R. Schultze, S-C-H-U-L-T-Z-E.

15 JUDGE RINGLER: Okay. Perfect. Please raise your right
16 hand.

17 Whereupon,

18 **PETER SCHULTZE**

19 having been duly sworn, was called as a witness herein and was
20 examined and testified, telephonically as follows:

21 JUDGE RINGLER: All right. Your witness.

22 MR. LERNER: Thank you, Your Honor. And --

23 JUDGE RINGLER: Yes.

24 **DIRECT EXAMINATION**

25 Q BY MR. LERNER: -- thank you, Mr. Schultze, for being



1 here.

2 A Sure.

3 Q Is it okay if I call you Pete?

4 A Yes. Please.

5 Q Okay, Pete. Are you currently employed by Starbucks?

6 A Yes.

7 Q And what is your title with Starbucks?

8 A I am a district manager.

9 Q How long have you been a district manager for?

10 A Since August of 2009.

11 Q And what district are you currently the district manager
12 of?

13 A District 596.

14 Q And is that within a region?

15 A Yes.

16 Q Have you been the district manager of that district the
17 entire time you've been employed by Starbucks?

18 A No.

19 Q Have you been a district manager the whole time you've
20 worked for Starbucks?

21 A Yes.

22 Q Can you just briefly tell us where you were previously?

23 A Sure. I spent a little over 11 years in the San Francisco
24 downtown financial district market, Moscone Center, Union
25 Square area. That was District 513. At the start of the

1 pandemic, San Francisco slowed way down, and I was asked to go
2 out and -- and support other districts. So I spent some time
3 down in the South Bay area like Los Gatos and Aptos, Bascom
4 area. Then, I was also asked then to go into a district that
5 was on the peninsula, like San Mateo County. Over the hill
6 into Half Moon Bay and Pacifica area. Following that, I was
7 asked to go up and take on a district that was up in Vacaville
8 and Fairfield area. Worked with the group there for about
9 seven or eight months.

10 And then came into the -- a version of the district I have
11 now -- 596, but it was Alameda County, a little bit of Oakland,
12 and some of Berkley, Pinole area, El Cerrito. And then it
13 switched again about late February/early March of 2022. And I
14 picked up -- I picked up some more stores in the Richmond/San
15 Pablo area. And I traded Alameda to another district manager,
16 and Oakland. So basically, I moved more -- I guess that's
17 east -- northeast. And that's where I am now. Just -- the
18 current district I'm in now is since late February/March --
19 early March of 2022.

20 Q And is -- when did you pick up the El Portal store?

21 A At that time. So I think I started to visit there either
22 the end of February or the first part of March.

23 Q Would you --

24 A That's when I took it over.

25 Q Would you describe the El Portal store as a high-incident



1 store?

2 A Yes, I would.

3 MS. GOMEZ: Objection. Leading.

4 JUDGE RINGLER: I'll allow that.

5 Q BY MR. LERNER: What does it mean to be a high-incident
6 store?

7 A A high-incident store is where there's a lot of disruption
8 to what we call the third place or our customer area. We get a
9 lot of unsheltered folks that wander in. There's a lot of
10 folks in that capacity that are -- are mentally challenged and
11 can act out. So it can be very -- it can be very disruptive.
12 We get all kinds of things from rocks through the windows to
13 you know, people walking around and soliciting in the drive-
14 thru area to threats, misuse of the restroom, et cetera.

15 Q Taking a step back for the moment, can you describe what
16 your responsibilities are as a district manager?

17 A Sure. So I am -- I am responsible for 11 stores --
18 Starbucks stores -- a combination of drive-thrus and cafe
19 stores. I am in charge of the -- or I lead my team, support my
20 team, through all the operational aspects of the store. I
21 support in the hiring and training of the partners in the
22 store. I am -- worked with my team on leading customer service
23 and customer experience with the folks that use our store. All
24 of the production of our quality products, et cetera.

25 Q And as a district manager, are you expected to check in



1 more with a high-incident store?

2 MS. GOMEZ: Objection. Leading.

3 MR. LERNER: Your Honor, it doesn't presuppose an answer.
4 It's "yes" or "no".

5 JUDGE RINGLER: Yeah. I'll permit the questions. You can
6 answer.

7 A Yes.

8 Q BY MR. LERNER: Has that been your experience throughout
9 your time as a district manager?

10 A Yes.

11 Q So let's change gears for a moment. Are you familiar with
12 the Starbucks initiative called "To Be A Partner"?

13 A Yes.

14 Q At a high level, can you briefly tell us the purpose of To
15 Be a Partner -- the To Be A Partner initiative?

16 A The To Be A Partner initiative was launched, as I
17 understand it and my interpretation of it, to be a way for
18 Starbucks as a company to get back to our -- our heritage and
19 who we are as a culture and as an organization. It was in
20 response to the COVID epidemic where there was so much
21 dysfunction in communities and -- and with our partners and --
22 and just in how we were operating. So it was really -- at the
23 end of that and was, like a -- a whole, kind of, initiative to
24 bring the -- the group closer together -- to reestablish who we
25 are as a company moving forward as we got back to nonpandemic

1 times.

2 Q I'd like to focus your attention, now, to around April
3 25th, 2022. Did you visit the El Portal store around then?

4 A Yes. April 25th?

5 Q Yes.

6 A Yes.

7 Q Did you meet with partners at the store at that time?

8 A Yes.

9 Q Was this meeting with partners focused on the To Be A
10 Partner initiative?

11 A Yes.

12 Q Was this a group meeting or an individual meeting?

13 A It was a group meeting.

14 Q Was this meeting open to every partner at the store?

15 A Yes.

16 Q Was the El Portal store manager present?

17 A Yes.

18 Q And who was that at the time?

19 A Kris Aycock.

20 Q And if I refer to her as "Kris" will you know who I'm
21 talking about?

22 A Yes.

23 Q Was the assistant store manager also present?

24 A Yes.

25 Q Who was -- who was that at the time?

1 A Juvenal Pena. He also goes by Juve.

2 Q So if I call him "Juve" will you know who I'm talking
3 about?

4 A Yes.

5 Q Who led the meeting?

6 A Kris.

7 Q To the best that you can remember, can you walk us through
8 what was discussed at this meeting?

9 A Yeah. On a high level, the initial part of the meeting
10 was introductions. As I spoke, we've had a lot of recent
11 hires, new people, to -- to the store. And for me, I had --
12 was meeting partners, some for the first time. So we did
13 some -- some introductions to start the meeting, which included
14 a fun icebreaker just to get to know each other.

15 Then we talked about our mission and values and just sort
16 of went through that. Partners were asked to share why they
17 are at Starbucks and why they choose to be at Starbucks and
18 stay at Starbucks. We went into benefits and all the benefits
19 that are available through Starbucks as partners. And we
20 concluded with a conversation around our partner networks,
21 tried to really make sure partners know what our partner
22 networks are and how they might participate in activities and
23 events that are put on by our partner networks.

24 Q And about how far in advance was this meeting scheduled?

25 A It was probably scheduled at least a month in advance. We

1 have to put out schedules at least three weeks out. So it
2 would've been, for sure, three weeks out.

3 Q Was this meeting voluntary for partners?

4 A Everyone was scheduled and asked to attend, but it was
5 voluntary. If they didn't show up, that was not penalized.

6 Q Were partners told they would be disciplined if they did
7 not attend?

8 A No.

9 Q To the best of your knowledge, did every partner who was
10 working at the El Portal store at that time attend?

11 A No.

12 Q For those who did not attend, were they offered any type
13 of makeup session?

14 A Yes. Two ways we tried to do that. The -- the main way
15 was we offered that they could go to another store. These
16 meetings were universal, so every store in our area across the
17 country had these meetings so they could go and attend a -- a
18 different store meeting. And with partners that couldn't do
19 that and wanted information, we had one-on-one conversations
20 later that we could share more information.

21 Q To your knowledge, did every partner who missed the
22 meeting at the El Portal store attend a makeup?

23 A I don't believe so no.

24 Q To your knowledge, was there a penalty for those who
25 didn't attend the meeting or the makeup?

1 A No, not to my knowledge.

2 Q Getting back to the specific meeting at the El Portal
3 store, were partners free to speak up during this meeting?

4 A Of course.

5 Q Did they?

6 A We had partners tell their stories about their time with
7 Starbucks, why they were at Starbucks, why they stay at
8 Starbucks. They spoke of flexibility in the schedules. They
9 spoke of community service work that was important to them.
10 They talked about the camaraderie they've had with their teams.
11 There was -- obviously, in the introductions, they shared who
12 they were. Outside of that, I don't remember anything but
13 positive information that was shared.

14 Q Whether positive or negative, do you know if anyone was
15 disciplined for speaking their mind at this meeting?

16 A Absolutely not.

17 Q Were partners free to leave?

18 A Yes.

19 Q Was food or drink served?

20 A I believe we served snacks. And then, of course,
21 beverages were available.

22 Q Do you remember if partners raised any problems they were
23 having?

24 A Not to my knowledge.

25 Q Did partners ask Starbucks to fix any issues?

1 A The only thing I can remember is that after the meeting,
2 couple of partners came up and asked about specific benefits
3 that -- that we went through and how would they go about
4 getting those or applying for those or qualifying for those.

5 Q Were the -- was this To Be A Partner meeting unique to El
6 Portal?

7 A No.

8 Q Were these meetings unique to you and your district?

9 A No.

10 Q Did they happen -- what was the scope in which they
11 happened?

12 A The scope?

13 Q Did they have them throughout the country, for example?

14 A Yes. To -- to my understanding, they happened in every
15 Starbucks across the country.

16 Q So switching topics slightly, are you familiar with the
17 April global month of community service?

18 A Yes.

19 Q Was this a topic that was discussed at all during that
20 April 25th meeting?

21 A I -- I think we did talk about it when we talked about
22 community service, yes.

23 Q At a higher level, what is the global month of community
24 service?

25 A The global month of community service is a month of the

1 year -- Starbucks culture -- Starbucks in general is very
2 community-oriented. We do a lot of activities, events, coffee
3 tastings, et cetera, around community service work. There's a
4 lot of partners that are at Starbucks because of their
5 opportunity to be a part of our community service. Global
6 month of service is a month of April where we -- we really
7 highlight our community service efforts. As a matter of fact,
8 I believe the company challenges the -- the -- the partners
9 to -- to work over a million hours for community and charitable
10 organizations and really participate in their local
11 neighborhoods and so forth. And during that time, district
12 areas, regions, are challenged to provide activities and things
13 that can be done to support that effort. It's really a month
14 to highlight community service work that we do.

15 Q Is this a yearly initiative for Starbucks?

16 A Yes.

17 Q How long has Starbucks had this global month of community
18 service?

19 A I would say at -- at least more than five or six years
20 that I can recall. It's probably been longer.

21 Q Is what you told us just now different than what you told
22 partners in April of 2022?

23 A Same. Probably not even as in-depth.

24 Q Were T-shirts ever offered to partners?

25 A Yes.

1 Q Can you explain that to us?

2 A Starbucks offers a T-shirt that is available to all
3 partners, irregardless (sic) of their position with the
4 company. They are T-shirts that we provide free of charge to
5 any and all partners. They're basic T-shirts that really just
6 are used to wear when you're participating in a community
7 activity. So it's just a way that we all kind are recognized
8 that we're doing something for the community. And so we -- I
9 gave T-shirts this year to our team. Not just El Portal, but I
10 offered the T-shirts to every store in my group. Because
11 Starbucks indicated that they had an abundance or a large
12 inventory surplus, and if we wanted to make sure everybody had
13 a T-shirt, we were welcome to do that. So I gave the order
14 information to all of my store managers and -- and asked them
15 to please see if anyone didn't have a shirt to please order
16 them one if they wanted one.

17 Q Focusing in on April of 2022, if a partner wanted a shirt,
18 how could they get one?

19 A They just had to ask their manager. And that was ordered
20 for them, for the size.

21 Q And I believe you touched on it, but what was printed on
22 the T-shirts in April of 2022?

23 A It's a green -- Starbucks-green -- T-shirt. It's a basic
24 cotton T-shirt. It says, "Good things are happening", and it
25 has a Starbucks siren emblem on it.

1 Q Do you know if these T-shirts were limited edition?

2 A No.

3 Q To your knowledge, was there anything about these T-shirts
4 that made them particularly valuable?

5 A No.

6 Q Did these T-shirts have anything to do with a partners'
7 support for the Union?

8 A No.

9 Q Could a partner get a shirt regard -- in -- in April of
10 2022, could a partner get a shirt regardless of their Union
11 support?

12 A Absolutely, yes.

13 Q To your knowledge, was this true at all Starbucks stores?

14 A Yes.

15 Q Are you aware of anyone being denied one of these T-
16 shirts?

17 A No.

18 Q Were these shirts free?

19 A Yes.

20 Q Did you buy shirts for part -- in April of 2022, did you
21 buy any of these T-shirts for partners with your own money?

22 A They're free, so no.

23 Q Did you tell partners that either you or Kris purchased
24 these shirts with your own money?

25 A No.

1 Q Did you hear Kris tell partners that either she or you
2 purchased these shirts with your own money?

3 A No.

4 Q And prior to April of 2022, can you think of an instance
5 when Starbucks also offered T-shirts to partners who performed
6 community service?

7 A Yes.

8 Q Can you tell us a little bit about that?

9 A I've been to events. For example -- I can't remember
10 when -- but we -- we went to an event that we sponsored in
11 Oakland, and it was basically -- how do I describe it -- it --
12 we set up a parking to outside of a grocery store and we got
13 Safeway and different grocery stores to provide food and
14 supplies, such as diapers and -- and things of that nature.
15 And we had advertised it throughout the Oakland, San Leandro,
16 Hayward communities. And we were all out there in -- in our
17 shirts that we were given that day. And we basically had cars
18 pull in, and we gave them a supply kit to take home, just
19 trying to give back to the community, so we spent probably five
20 hours out in the parking lots. And the T-shirts were available
21 at that time. They also gave away -- we have network T-shirts
22 that we -- we -- we often give away for free in combination
23 with events that we're doing. That was one.

24 Q So let me ask this. So you had these To Be A Partner
25 meetings --

- 1 A Um-hum.
- 2 Q -- right, at the store we're talking about as well as the
3 other ten stores that you --
- 4 A Correct.
- 5 Q -- manage?
- 6 A Correct.
- 7 Q Did you also hand out T-shirts at the other ten stores?
- 8 A I -- I made the same offer to every store manager that
9 they could order as many shirts as -- as their partners needed
10 to make --
- 11 Q Um-hum.
- 12 A -- to make sure everybody had a shirt.
- 13 Q Okay.
- 14 A If they wanted one. So.
- 15 Q Did you announce to employees at those other meetings that
16 you're free to get a shirt or?
- 17 A I didn't announce at our meeting To Be A Partner -- the
18 shirts.
- 19 Q Okay.
- 20 A Those were done -- I ordered those before the meeting.
21 Some were given out before the meeting. Some were given out at
22 the mee -- I can't even recall giving them out at the meeting.
- 23 Q Okay.
- 24 A They were just distributed as they came in to partners
25 that had asked for them.

1 Q Okay.

2 A And that was the same at every other Starbucks.

3 Q So you recall if the other stores ordered shirts given out
4 at those meetings?

5 A Honestly, no, because I don't even remember giving them
6 out at those meetings. I can't --

7 Q Okay.

8 A -- say that --

9 Q Okay.

10 A -- with clarity.

11 Q Just to clarify a little bit for the record. Whether or
12 not T-shirts were distributed at the April 25th meeting, the
13 month of service was touched upon?

14 A As part of our benefits, and -- and it came up as partners
15 talked about being involved in the community as being important
16 to them for working for Starbucks.

17 Q Sticking on -- with various communications with partners,
18 in your experience with Starbucks, does Starbucks as an
19 organization solicit partner feedback?

20 A Yes.

21 Q Has this always been true in your experience?

22 A Yes.

23 Q And to your knowledge, is that true for all regions?

24 MS. GOMEZ: Objection. How is he supposed to know what
25 happens at every single region?

1 JUDGE RINGLER: Limit it to his regions that he's the
2 district manager.

3 A I -- I know there are different avenues for partners to
4 communicate. Ideas, concerns. If they have a great idea, they
5 can go on to our hub and they can log the idea. Those are
6 often used and highlighted on -- on our news wee -- monthly
7 newsletters. If they're having a problem within their store,
8 there are -- there's a way for them to call it out. So if --
9 if they need to there's an ethics and compliance line that they
10 can call and talk to that someone on the other end will take
11 their concerns, and it's investigated and researched and
12 they're -- they're -- they're supported.

13 There's also our PRSC line which is more equivalent to
14 like, a human resources line that they can call, and they can
15 share any concerns or report challenges or problems they're
16 having with their peers, with customers, with their leadership.
17 That's also available to them.

18 And then there are also surveys that are done twice a year
19 that are anonymous but allows them to also communicate their
20 feelings or their sentiment around the company. And we use
21 those to activate on to you know, reward on things that are
22 being done really well, and -- and if there's gaps, we use that
23 to activate on trying to improve those areas as an
24 organization.

25 Q You --



1 A Plus, I -- I am always available and try to build trust
2 and a positive relationship with all of the partners that work
3 for me. And I -- I'm always available to take their calls.

4 Q So you mentioned a lot of ways in which partners are able
5 to provide feedback. I'm just going to try to ask about most
6 of them one at a time. Is -- is meetings with partners at the
7 store one way in which Starbucks solicits feedback?

8 MS. GOMEZ: Objection. Leading.

9 JUDGE RINGLER: Sustained.

10 Q BY MR. LERNER: You mentioned you are always available.
11 Do you ever meet with partners at the store?

12 A Yes.

13 Q Do these meetings ever include the store manager?

14 A Yes.

15 Q Does the store manager ever meet with partners one-on-
16 one -- just the store manager and the partners?

17 MS. GOMEZ: Objection. How would he know that? If it's a
18 one-on-one meeting, how would he know if the partner --

19 JUDGE RINGLER: I'll allow it. I think that would be
20 something he'd probably know as district manager. You can
21 answer.

22 A Yes.

23 Q BY MR. LERNER: And throughout your -- throughout your
24 career as a Starbucks district manager, would you participate
25 in meetings with partners?

1 A Sometimes, yes.

2 Q Do you try to meet with partners either one-on-one or
3 in -- or as a small group?

4 A Yes.

5 Q Can you tell us about your practice?

6 A As -- any time I visit a store, I always try and make a
7 point to spend time with the partners whether -- we don't
8 always have the -- the luxury of -- of being able to call a
9 group meeting or a meeting one-on-one. It's -- a lot of times
10 it's just I'm in the store. I'll be working with them and we
11 just -- we just communicate. Or sometimes if a partner ever
12 wants to -- to talk to me I am available during my time in the
13 stores or the -- excuse me -- we also -- I post my business
14 card back in their schedules, and they're welcome to call me.
15 And I get lots of calls from partners just -- it could be about
16 anything, you know, to a situation that they're having with the
17 manager, and they need support. It could be on they're not the
18 schedule that they -- they had asked for or -- or they need, or
19 they have questions about benefits, and they're trying to
20 enroll in ASU and -- and to take advantage of our program. And
21 I'll help them get set up.

22 Q When you're meeting with partners, do they ever provide
23 you feedback about Starbucks?

24 A Yes.

25 Q And in these meetings, do they ever raise problems that



1 they don't like see -- hoping that you'll fix them?

2 MS. GOMEZ: Objection. How does he know what they hope to
3 achieve in those conversations?

4 JUDGE RINGLER: You can answer the question. Go ahead.

5 A Yes.

6 Q BY MR. LERNER: Can you give us an example?

7 A Let's see. At a different store, I had a partner that
8 called me, and she was concerned that she was not getting the
9 hours -- enough hours for what she needed. And that she asked
10 if I could help her with the manager, making the schedule, to
11 see how she could get the minimum of 20 hours because she
12 needed to qualify for our benefits with a 20-hour average. So
13 I met with her. She shared that with me. We went to the
14 manager. We talked that through, and we found a way to get her
15 more hours so that she had the 20 hours a week that she needed.

16 Q Have partners shared issues like this throughout your
17 entire tenure with Starbucks?

18 A Yes.

19 Q So changing gears for a moment, you had touched on surveys
20 before. Can you elaborate on what those surveys are?

21 A Yeah. Twice a year -- so biannually -- we do a very large
22 survey that goes out to all partners. It's kind of broken into
23 store manager level and then hourly level. And those surveys
24 are very extensive. They ask quite a few questions from --
25 from partners. They're an anonymous survey, so partners can

1 speak freely. And they basically address the partners'
2 relationship or the partners sentiment around the store. So
3 for example, the condition of the store, the facility itself,
4 maybe the equipment -- things of that nature. And that might
5 encompass different areas. They have the ability to speak to
6 Starbucks -- how they feel about Starbucks, and there's
7 different areas that are broken out about Starbucks.

8 There's -- about their immediate store manager or their
9 leadership, which could also include myself. There's a chance
10 to talk about their -- or answer questions around their team --
11 how they're getting along with their team or not. If it's
12 inclusive and diverse, et cetera. And there's just a lot of
13 sections. All that data is -- is -- is kind of collected from
14 all the partners that participate. And then it's --it's
15 basically pulled together and shared with us. So we have the
16 ability to look at that survey and go through them and see what
17 we're doing well and where we have gaps. And we use those gaps
18 to really try and identify ways to better support the stores
19 and the partners.

20 Q Can you tell us which roles complete this -- this survey?

21 A Pardon?

22 Q Which roles? Is it -- is it just store managers or who --
23 positions?

24 A Oh, who -- who takes the survey?

25 Q Yes.

1 A Store managers take the survey. Assistant managers and
2 all of our shift supervisors and baristas. So basically,
3 everyone that's in the store. Every position.

4 Q To the best of your recollection, how long has Starbucks
5 given these surveys?

6 A I don't remember when they started, to be completely
7 honest with you. So I know at least two years now, maybe
8 three. I'm -- I -- I don't remember when we started. They've
9 evolved.

10 Q Are these anonymous surveys optional?

11 A Yes.

12 Q To your knowledge, has partner ever been disciplined for
13 not completing a survey?

14 A No.

15 Q Again, just focused on within your knowledge, has a
16 partner ever been disciplined for what they wrote within the
17 survey?

18 A No. They're -- they're anonymous.

19 Q And again, just focusing on -- on what you have knowledge
20 of, do store managers have huddles with shift supervisors at
21 stores?

22 A Yes.

23 Q And in your experience, how often do these huddles take
24 place?

25 A We attempt to do them weekly.



1 Q Did this practice start prior to April of 2022?

2 A Yes.

3 Q And in your own words, what is the purpose of these
4 huddles?

5 A The purpose of the huddles is for the store manager and
6 the shift supervisors to come together. It's usually about an
7 hour to two hours in length -- usually an hour -- to talk about
8 operations. We look at what's going well. We look at the
9 opportunities or what's in the waves -- what we kind of refer
10 to it as, right, of -- of them being able to do their best work
11 to do their best job.

12 We also use it as a -- a -- a way to build capability with
13 our shift supervisors. So they may do some training during
14 those meetings. They may go over something that -- that
15 Starbucks has put out for -- for learning. Sometimes we use
16 that for I&D learning, so they'll -- they'll go through
17 inclusive/diversity-type of training. Just really, it's kind
18 of up to the store manager to lead the -- the -- the agenda for
19 each of these. In a lot of cases, it's really a lot of
20 collaboration between the shift supervisors and the store
21 manager.

22 Q Returning to your experience at the El Portal store,
23 between May 1st and 14th of 2022, did you meet with partners at
24 the store?

25 A Between May 1st and?

1 Q And May 14th of 2022?

2 A Yes.

3 Q Were these group meetings or one-on-one meetings?

4 A Well, I was -- I was not in the stores or were in contact
5 with partners the 1st through the 5th. I was on vacation the
6 6th through the 9th. And I was not in the stores on the 10th.
7 I was in the stores for a couple hours on the 11th and I think
8 the 13th. And I was in the store on, I think, the morning of
9 the 14th. That was a Saturday.

10 Q And did you meet with partners while you were in the
11 store?

12 A I did.

13 Q Were these group or one-on-one meetings?

14 A They were -- well, I -- I worked on the -- the production
15 line and with the managers for part of that. And then I was in
16 one-on-one conversations with partners.

17 Q Why one-on-one meetings?

18 A Well, first of all -- I think I shared with you -- I'd
19 only been with this store and these partners for less than --
20 like -- like, March and April. So less than a month-and-a-
21 half. So I was trying to first and foremost, get to know the
22 partners, to build trust, to you know, build a positive working
23 relationship with them as I have done my whole career. I was
24 also trying to follow up from our meeting that we had had To Be
25 A Partner. We had some technical difficulties in our meeting.

1 We were not able to show two videos that Starbucks provided.
2 One was a video on our benefits. And another was a bene --
3 a -- a video on our partner networks. So I used -- I tried to
4 use that time if partners had further questions or wanted more
5 understanding. We went through a lot of the benefits, again,
6 just to make sure that they were all comfortable with what was
7 available. And we did the same -- I -- I talked a lot about
8 the partner networks as well.

9 Q And to the best of your recollection, how many one-on-one
10 meetings did you have during this time?

11 A You know, I -- I don't -- I don't remember exactly because
12 the way that I set it up, it was really just time that I was in
13 the store. And it was really premised on what partners we were
14 able to free up from the production line. We're busy, and that
15 store is a big store. And we only schedule -- we didn't
16 schedule for meetings. We just scheduled for people to be
17 working it. So I didn't want to take anyone off of the line
18 and create stress for any of the other partners that were
19 working. So they tended to be when it slowed down. If
20 somebody wanted to talk to me, they were welcome to come over
21 and we would talk.

22 Q How did partners know to meet with you?

23 A I asked the store managers and -- or shift supervisors --
24 if -- if they could ask if anybody wanted to meet with me or
25 talk to me about our recent meeting or benefits or -- I -- I

1 just said -- in many cases, I was just hoping to get to know
2 them -- spend a little time.

3 Q Were these conversations voluntary?

4 A Absolutely.

5 Q Were partners free to speak up and speak their mind?

6 A Sure.

7 Q Did they?

8 A You know, most of the meetings -- and again, I -- they
9 were very organic in nature. I didn't go in with a -- a set
10 agenda for any particular one. It was more just kind of
11 conversation. So you know, we would talk about their journey
12 with Starbucks, you know, a little bit of what -- what -- you
13 know, what -- what they were interested in and why they were at
14 Starbucks. I used that opportunity to try and share with them
15 the benefits, again, that we had, but also to help them match
16 benefits to the things that they were looking for. So if they
17 talked about wanting to go back to school, I would go into the
18 ASU program that we offer and share more information about how
19 they can get a free four-year education while they're getting
20 their -- their -- while they're working at Starbucks. Or it --
21 it might be if -- if I had a partner that was interested in
22 medical or dental, we would go into that and share how they
23 would become eligible for that and how to apply for that.

24 A lot of questions came up following that meeting on the
25 Bean Stock that we offer and how they can go in and check their

1 Fidelity account, which a lot of them didn't know that they had
2 had. So they were able to go in and see how much stock they
3 had received since they'd been working at Starbucks. So it
4 tended to be more the nature of the responses. I didn't get
5 anybody that really got into concerns that they had with the
6 business.

7 Q To your knowledge, was anyone disciplined for anything
8 they said to you during these meetings?

9 A No.

10 Q Was attendance mandatory?

11 A No.

12 Q Were partners free to leave at any time?

13 A Yes.

14 Q Were there any partners that didn't attend these one-on-
15 ones with you?

16 A Yes.

17 Q Were they disciplined for not attending?

18 A No.

19 Q Have you held similar one-on-ones with partners prior to
20 April of 2022?

21 A Yes.

22 Q So just to ask this bluntly --

23 A Not -- let me --

24 Q Yes.

25 A -- that. Not exactly the same. Like, we didn't go



1 through as much of the -- like, the -- the -- we -- the -- it
2 was kind of in conjunction with the To Be A Partner meeting.
3 So I would meet with partners, yes, and answer questions or
4 support them, but it was -- I didn't go through all of the --
5 the benefits that I did following the meetings that we had.

6 Q So just -- yeah -- just to ask it bluntly, during any of
7 these meetings, did you tell partners that they would not get
8 wage increases if they supported or voted for the Union?

9 A No.

10 Q Flipping that around the other way, did you tell partners
11 they would receive a wage increase if they did not support or
12 vote for the Union?

13 A No.

14 Q Did you say anything with -- to that effect -- with regard
15 to the last two questions?

16 A During the meetings in May?

17 Q Correct.

18 A No.

19 Q Did you tell partners they would lose the ability to
20 transfer or work as borrowed partners if they supported or
21 voted for the Union?

22 A No.

23 Q You testified -- we just spoke, now, about visiting the El
24 Portal store in May. Did you also visit this store during June
25 of 2022?

1 A Yes.

2 Q Did you ever meet with partners and Kris Aycock during
3 that time?

4 A You mean all -- like in a one meeting, or you mean just
5 individually?

6 Q Either.

7 A Yes, individually.

8 Q In any of those meetings, did you hear Kris tell partners
9 they were prohibited from discussing the Union or unionization
10 during work time?

11 A No.

12 Q Do you recall hearing her say anything related to that?

13 A No.

14 Q To your knowledge, were partners allowed to discuss the
15 Union or unionization during work time?

16 A The only precurs -- the answer is no. The only precursor
17 was that if they were working -- as long as it didn't disrupt
18 their ability to take care of customers and to do their job on
19 the line.

20 Q Was there a Starbucks policy again --

21 JUDGE RINGLER: So I'm confused about your -- you said
22 "no", and then it almost sounded like you said "yes". Do you
23 want to explain that to be clear?

24 THE WITNESS: Well, we -- we didn't prohibit them from
25 talking because partners will talk on the line as they want to.



1 So we didn't -- don't regulate that. But if they're asked to
2 leave the line for some reason or if they're put in a -- a
3 situation where they're not doing their work because they're
4 engaged in a conversation, that's clearly above and beyond, you
5 know, a side-by-side chat. Irregardless (sic) of the content,
6 and we would obviously ask them to please focus on the work.

7 JUDGE RINGLER: Okay.

8 Q BY MR. LERNER: As far as you know, was there a store
9 policy against discussing the Union during work time?

10 A No.

11 Q Did you ever hear Kris enforce such a policy?

12 A No.

13 Q So sticking within this May and June 2022 time period, did
14 you hear Kris disparage or make fun of a pro-Union partner?

15 A No.

16 Q Did you hear Kris threaten a pro-Union partner by stating
17 they violated Starbucks' policy?

18 A No.

19 Q Did you hear her threaten a pro-Union policy -- a pro-
20 Union partner by stating they violated the law?

21 A No.

22 Q Do you recall anything related to Kris targeting a pro-
23 Union employee?

24 A No.

25 Q Same time period. Did you hear Kris tell partners that

1 she can no longer help and support them if they unionized or
2 supported the Union?

3 A No.

4 Q Do you recall anything related to that happening?

5 A No.

6 Q Is helping and supporting partners, to your knowledge, a
7 core part of the store manager's job duties?

8 A Yes.

9 Q To your knowledge, does that change whether or not the
10 store is unionized?

11 A No.

12 Q So continuing on in the same May and June 2022 time
13 period, did you hear Kris tell partners that she knew they were
14 organizing for the Union?

15 A No.

16 Q Did you hear Kris single a partner out by stating that she
17 was aware they were organizing for the Union?

18 A No.

19 Q Did you ever hear Kris threaten partners if they discussed
20 the Union or unionization?

21 A No.

22 Q Did you discipline any partner at the El Portal store for
23 discussing the Union or unionization?

24 A No.

25 Q To your knowledge, were any partners at the El Portal

1 store disciplined for discussing the Union or unionization?

2 A That I witnessed?

3 Q To your knowledge, was because somebody was talking about
4 the Union or unionization, were they disciplined?

5 A Not disciplined.

6 Q As district manager, would you have knowledge if somebody
7 was disciplined at a store?

8 A Yes.

9 Q Again, sticking with the same time period of May and June
10 of 2022, did you hear Kris tell partners that they would lose
11 benefits if they unionized or supported the Union?

12 A No.

13 Q Did you ever hear her talk to partners about the effects
14 of unionization on Starbucks benefits?

15 A No.

16 Q Did you hear Kris tell partners that if they unionized it
17 would make things worse for them?

18 A No.

19 Q Did you hear Kris tell partners if they unionized then the
20 store would be less productive?

21 A No.

22 Q Do you recall ever hearing Kris tell partners that the
23 Union was a for-profit company?

24 A No.

25 Q So to the best that you can remember, around June 12th of



1 2022, did partners ever tell you about a group chat concerning
2 Union activity?

3 A June 12th?

4 Q Yes.

5 A No.

6 Q At any point, did you -- around -- did -- at any point,
7 did you learn that there -- whether -- did you learn about a
8 group chat concerning Union activity?

9 A At any time?

10 Q Yes.

11 A Yes.

12 Q Before you tell us what happened -- and just identifying
13 them by their role --

14 A Um-hum.

15 Q -- can you tell us who started that conversation?

16 A Yes. There was a shift supervisor that approached Kris
17 and I. We were just having an operations meeting out in the
18 lobby. The shift supervisor approached and shared with us that
19 they had been --

20 MS. GOMEZ: Objection, Your Honor. This is hearsay.

21 Shift supervisors are employees. And so to the extent that
22 they're going to get into it, I would object to that.

23 JUDGE RINGLER: I think it's just notice; is that correct?

24 MR. LERNER: Yes. And his -- also his present sense of
25 what was communicated and how he responded.

1 JUDGE RINGLER: Okay. On that basis, I'll -- I'll allow
2 you to continue. Go ahead.

3 A Okay. So a shift supervisor approached Kris and I and
4 just shared that there was somebody that was reaching out to
5 partners and had reached out to her regarding Union activity.
6 And we just acknowledged her sharing, and that was that. But
7 she spoke of a -- a work chat. I don't think it was a -- I
8 think it was a text -- text line or something. I don't know
9 exactly what it was.

10 Q BY MR. LERNER: Did -- did you respond?

11 A No. We just thanked her for sharing, and --

12 Q Did you --

13 A -- that was that.

14 Q Did you ask the partner for more information?

15 A No.

16 Q Did you ever tell partners that you were aware of this
17 group chat?

18 A No.

19 Q Did you ever tell partners that Starbucks knew of it and
20 had not stopped it yet?

21 A No.

22 Q Did you in any way tell partners that Starbucks would end
23 this group chat?

24 A No.

25 Q After learning of its existence, did you take any action



1 to monitor this group chat?

2 A No.

3 Q So sticking within that June 12th time period, to the best
4 of your recollection, do you recall meeting with Kris and any
5 of the El Portal partners?

6 A Can you say that again? I'm sorry.

7 Q On -- on June 12th, 2022 --

8 A Okay.

9 Q -- to the best that you can recall, did you meet -- did
10 you have a meeting or a conversation with Kris and any of the
11 El Portal partners?

12 A I -- I -- I don't remember.

13 Q More -- more generally, in the June of 2022 time period,
14 did you ever hear Kris tell partners that contract bargaining
15 would take three years?

16 A No.

17 Q Did you hear Kris tell partners that Starbucks wouldn't
18 negotiate in good faith with the Union?

19 A No.

20 Q Did you hear her tell partners that Starbucks would not
21 reach a contract with the Union?

22 A No.

23 Q Did you hear Kris tell partners that labor hours wouldn't
24 change?

25 A No.



1 Q Did you hear Kris tell partners that if unionized they
2 wouldn't be able to transfer to other stores or work as a
3 borrowed partner?

4 A No.

5 Q So moving to the end of the month, June 24th of 2022, did
6 you meet with Kris and partners in a group setting?

7 A June what?

8 Q 24th, 2022.

9 A Not to my recollection.

10 Q So --

11 A I don't remember.

12 Q -- so moving back a couple of days. On or around June
13 15th, 2022, did you know whether or not who Juve was eligible
14 for -- to be a member of the bargaining unit for unionization?

15 MS. GOMEZ: Objection. What's the -- I don't understand
16 the relevancy of that question, Your Honor.

17 JUDGE RINGLER: Relevance?

18 MR. LERNER: Your Honor, the -- the relevance is
19 there's -- there's allegations that Mr. Pena was working as a
20 agent. And as you'll hear testimony that wouldn't -- he would
21 not have had knowledge or been empowered to give such
22 statements.

23 MS. GOMEZ: Your Honor, we've already stip -- no. This is
24 what we discussed. We've stippled to the 2(11) and 2(13) status
25 of these agents, so I don't understand why their status is

1 coming into issue now. Otherwise, what's the point of the
2 stip?

3 JUDGE RINGLER: Yeah. Yeah. I'll sustain the objection.

4 MR. LERNER: Okay.

5 Q BY MR. LERNER: On or around June 15th, did you ever hear
6 Juve Pena tell employees he knew they were talking about the
7 Union?

8 A No.

9 Q Did you ever hear him say anything to that effect?

10 A No.

11 Q During the same time period, did you ever hear -- hear
12 Juve tell employees they could not talk about the Union while
13 they were on nonworking time?

14 A No.

15 MR. LERNER: No -- no further questions, Your Honor.

16 JUDGE RINGLER: All right. Do you want to jump into your
17 cross, or you want to take ten minutes before you --

18 MS. GOMEZ: I would like some time, especially because I'm
19 using a computer that's not mine, and it adjusted something
20 that I don't know what --

21 JUDGE RINGLER: Oh, okay. I was -- okay. I saw your
22 expression. I was sort of wondering --

23 MS. GOMEZ: One of my screens just went -- I don't know.

24 JUDGE RINGLER: What happened? Okay. So it's 2:55. So
25 why don't we say 3:10 we'll reconvene.

1 MS. GOMEZ: Okay.

2 JUDGE RINGLER: Very good.

3 (Off the record at 2:56 p.m.)

4 **CROSS-EXAMINATION**

5 Q BY MS. GOMEZ: Good morning, Mr. Schultze. Or I guess,
6 good afternoon. My head's a little turned around. My name's
7 Lelia Gomez. I'm an attorney with the NLRB. And I'm just
8 going to ask you a few questions regarding the testimony that
9 you just provided.

10 A Okay.

11 Q We'll start with the beginning. So you noted that you've
12 been a DM -- district manager -- since August of 2009. It
13 sounds like you've moved around a bunch over the last 14 years,
14 so I -- I kind of want to break that down because I wasn't able
15 to follow where you were, when you were there.

16 A Sure.

17 Q So where was your first assignment as a DM?

18 A It was in downtown San Francisco.

19 Q Okay. And you were there from when to when?

20 A 2009 to 2020.

21 Q Okay. And then after there -- and what region was that?

22 I mean, what district was that?

23 A That was District 513.

24 Q And then you went to where?

25 A From there, I -- I spent a couple of months in -- I don't



1 know what district number it was -- it was a while -- but it
2 was in like, the Los Gatos/south San Jose area, Campbell.

3 Q Does that include Santa Cruz, by chance?

4 A No.

5 Q Okay.

6 A No.

7 Q Because you said Aptos, right?

8 A No, not Aptos.

9 Q Oh, you -- not Aptos.

10 A Los -- Los -- what's next to Palo Alto?

11 MR. GARBER: Gatos.

12 UNIDENTIFIED SPEAKER: You're asking the wrong guy.

13 A It doesn't -- it doesn't matter.

14 Q BY MS. GOMEZ: We don't want to testify for you, so if you
15 don't know, that's fine. No problem. Okay. But you --

16 A I don't --

17 Q -- were there --

18 A I don't remember. It was a very -- it was, like, a quick
19 in and out.

20 Q Sure. So that's a couple months in -- would that be in
21 2020, or are we now in 2021?

22 A I apologize. It was a while ago. Let's see. It was
23 right after we closed down most of our stores. So it was --
24 right after the pandemic really got into full swing is when I
25 started to take on these outside assignments.

1 Q So are we talking, like, summer 2020?

2 A I apologize. Just trying to get back into it. I -- I
3 can't tell you specifically.

4 Q Sure.

5 A I'm sorry.

6 Q If you don't know you don't know. Okay.

7 A Yeah.

8 Q And then from there, where did you move to?

9 A I did that assignment for about two months, and then I
10 went into District 580, I believe it was. And that was, like,
11 in the San Mateo County on the peninsula. And it also included
12 Pacifica and Half Moon Bay.

13 Q Okay. And you were there when?

14 A I went directly from the -- the previous one to there.

15 Q Understood. But is that in -- are we still in 2020, or
16 are we now in 2021?

17 A Let's see. It's probably 20- -- probably 2020.

18 Q Still 2020? Okay.

19 A Yeah.

20 Q Got it. And then from there, you said you moved to
21 Vacaville in the Fairfield area; is that correct?

22 A Yes. I had the Vacaville and Fairfield area.

23 Q Okay.

24 A And Suisun.

25 Q And when was that?

- 1 A That was District -- what's that?
- 2 Q Oh, sure. What's the district?
- 3 A That's District 540.
- 4 Q Okay. And when was that?
- 5 A That was following the other one. I apologize. But
- 6 that -- I'm going to say, that was probably 2021.
- 7 Q Okay. So now, we're in 2021. Understood. And then you
- 8 were there for how long?
- 9 A Approximately seven -- seven to eight months.
- 10 Q Okay. And then from there, you came here to the Bay,
- 11 right? Parts of the Bay?
- 12 A Then I -- yeah, I moved into the Alameda area. Alameda,
- 13 one store in Oakland, and Berkley, Pinole area.
- 14 Q Okay.
- 15 A All three.
- 16 Q Okay. And that was when?
- 17 A That was right after the -- the other one, so I guess
- 18 we're still in -- still in 2021.
- 19 Q Okay. And then -- so from 2021 -- so then -- so then you
- 20 moved to the current area you're in now, right?
- 21 A Um-hum.
- 22 Q And that includes the San Pablo store?
- 23 A Correct.
- 24 Q Okay. And that started, you said, in late February or
- 25 early March of 2022?

1 A Yeah. I think -- I think I went into the first -- 596 was
2 in -- was in 2021. And then in 2022, like, Feb -- Feb -- late
3 February/March.

4 Q Okay. So you started in that district at the end of 2021?

5 A I started in a -- we reconfigured the districts --
6 realigned. So I -- I -- I had an initial district, and then we
7 did a -- in February, I think it was, we did a -- a
8 realignment. So I gave some markets away, and I inherited some
9 new markets.

10 Q Okay.

11 A So El Portal, for example, are -- the store we're talking
12 about -- I inherited from another district manager at that
13 time.

14 Q Got it.

15 A And it was added to -- same district number -- but it was
16 a different configuration of stores.

17 Q Oh, okay. And --

18 A We tried to bring them closer together.

19 Q Sure. And so that was in late February/early March 2022
20 when this store became under your purview?

21 A Correct.

22 Q Okay. And then, I guess, prior to -- if you know -- who
23 was the district manager responsible for that store? Or the El
24 Portal store before?

25 A That was Tonya Palacios.

1 Q Got it. And do you know how long she served as DM of that
2 store?

3 A I believe quite a while. I can't tell you how many years,
4 but --

5 Q For years?

6 A Years.

7 Q Okay. Now, you also mentioned the initi -- the initiative
8 To Be A Partner.

9 A Um-hum.

10 Q When did that initiative start?

11 A I don't know how far out it started. Obviously, the
12 creation of it was -- was far out. I -- I know we got the
13 materials for the meeting itself and the -- the initiative
14 probably came to us in -- rolled it out April -- because we had
15 the month of April to basically schedule the meetings and have
16 the meetings. And so I want to say we probably started to look
17 at material somewhere in February.

18 Q Of 2022?

19 A Yes.

20 Q And who sent you those materials?

21 A They came from Starbucks in Seattle.

22 Q Corporate?

23 A Um-hum.

24 Q But you don't know when that initiative was actually --

25 A Launched.

- 1 Q -- created, or --
- 2 A No, I don't know specifically.
- 3 Q Understood. Give me one second.
- 4 A Sure.
- 5 Q And you also mentioned employee surveys. When did those
- 6 employee surveys start?
- 7 A As I mentioned, I don't remember when we started them. I
- 8 know they were -- we had one in April of 2022. We had another
- 9 one in October of 2022. We had another one in April of 2023.
- 10 And I believe we have another scheduled in October of 2000- --
- 11 this year. Previous to that, I -- I'm not sure.
- 12 Q Okay. And you also talked about shift supervisor meetings
- 13 or shift supervisor huddles at the San Pablo store.
- 14 A Um-hum.
- 15 Q Have you ever participated in a shift supervisor huddle or
- 16 meeting at the -- at the San Pablo store?
- 17 A Yes.
- 18 Q When was that?
- 19 A I think March may have been -- March -- early April/March.
- 20 Q How many have you been in?
- 21 A During this time window, or --
- 22 Q Well, I'm just talking specifically about the San Pablo
- 23 store, so --
- 24 A Right.
- 25 Q You said you were at one in early April.

1 A Yeah.

2 Q Well, let's just focus on that early April/March meeting.
3 Who was present for that meeting?

4 A It would've been Kris, Juve. And then I don't know
5 specifically which shift supervisors were there. It was a long
6 time ago. Let's see.

7 Q Do you recall what Ms. Aycock told employees during that
8 meeting?

9 A As I remember, it was just conversation around the
10 operations. We talked about what was working well in terms of
11 taking care of customers and -- and operating the store. And
12 we talked about what were some of the gaps that we needed to
13 work on together to figure out how to move forward is generally
14 what a -- what it was. I don't remember specifically any other
15 informa -- I don't know --

16 Q No. And -- and --

17 A Yeah.

18 Q -- that's what I'm trying to get at. I -- so I don't want
19 you to summarize the meeting. I'm trying recall -- see if you
20 recall what was actually said during that meeting. So do you
21 recall --

22 A I don't know.

23 Q -- specifically Ms. Aycock said?

24 A I don't remember that specifically, no.

25 Q Okay. Or Mr. Pena?

- 1 A Correct.
- 2 Q Nothing?
- 3 A I don't have that kind of recall.
- 4 Q Okay.
- 5 A I apologize.
- 6 Q Okay. Do you recall anything employees said during that
- 7 meeting?
- 8 A No.
- 9 Q Okay.
- 10 A Those are -- they're -- they're very organic in nature, so
- 11 I -- no, I don't.
- 12 Q Okay. And did you ever speak out in that meeting?
- 13 A Did I ever speak out? No.
- 14 Q Yeah. Did you say something during that meeting?
- 15 A I don't remember if I -- I did specifically. It would've
- 16 been more just around the operations stuff -- observations of
- 17 the operation from the time that I was in the store.
- 18 Q Okay.
- 19 A Again, the first one I sat in was the first one I sat in,
- 20 so I was just -- probably just kind of introducing myself to
- 21 the team.
- 22 Q Okay. Were you in -- have you participated in any other
- 23 shift supervisor meetings since then? At the San Pablo store?
- 24 A I -- what I -- let me explain. I rotate my time in
- 25 different shift supervisor huddles, so I try and attend one

1 every week or two. So in that store, yes, I've participated
2 since then. I can't remember specifically when I did, but I've
3 done probably at least three huddles.

4 Q Three huddle -- you've been to three -

5 A Three to four huddles.

6 Q At the San Pablo store?

7 A Yeah.

8 Q But you can't recall any specifics about any of the
9 meetings, can you?

10 A Not specific, we --

11 Q Okay. That's -- that's enough, thank you.

12 A Okay.

13 Q There was some testimony regarding meetings that you had
14 in May, these individual one-on-one meetings with employees?

15 A Uh-huh.

16 Q Prior to those meetings of May -- in May that you had with
17 employees, you -- how often did you individually meet with
18 employees at the stores that you oversaw?

19 A With -- with any of the stores?

20 Q Yeah.

21 A I -- I tried to meet with -- with partners all the time.

22 Q You'd hold individual meetings with partners?

23 A Well, again, they're not always scheduled that way. If I
24 go into a store, I block off let's say half a day to spend the
25 time in the store. And in the course of that time, I will work

1 the line and participate, you know, in the production of the
2 morning business. I'll do customer intercepts, there's quite a
3 few -- I'll -- I'll work with the managers in terms of -- of
4 reports and things that we look at. And during that time, I
5 try to always spend at least time with one or two partners to
6 just see how -- how -- how they're doing.

7 Q And so when you try to spend time with partners, I -- I
8 guess, how is that interaction come about is what I'm trying to
9 understand? Is it that you're working alongside them and
10 you're just striking up a conversation with them? Or --

11 A It's both. It could be that or sometimes I'll go in and
12 we -- we try very hard to spend time with all of our people
13 over the course of time. We have -- as part of approach to the
14 business is that we spend time with as many of our partners as
15 we can to get to know as many or all of our partners, if we
16 can. If there's new partners in a store, I try really hard to
17 spend time with them while they're new so that I can see how
18 their trainings going, if -- if they've been assigned a
19 training partner to help them, if there's anything that they're
20 not getting or, you know, th -- hopefully they're not left out
21 without good training. And then I also try really hard to meet
22 with everybody in the course of -- of my regular business as I
23 go to store to store. So it's -- it's embedded in/ every
24 visit.

25 Q Okay.

1 A But again it's -- it's really dependent upon who has the
2 ability to -- I mean, it's always side by side chatter, I mean
3 that's just talking about how they are and how's it going. I
4 try to know a little something about as many people as I can.
5 In terms of like being able to sit down, it's a little less
6 available, so you -- you do when you can. I if have a chance,
7 I'll sit down and ask them how they're doing.

8 Q Okay. Is the San Pablo store a unionized facility?

9 A No.

10 Q Did employees try to unionize the San Pablo store?

11 A Yes.

12 Q And there was an election at that store, correct?

13 A Yes.

14 Q That election was held in August of 2022, right? At the
15 end of August?

16 A Correct.

17 Q And prior to that election, there was a representation
18 petition that was filed, correct?

19 A Yes.

20 Q And that was filed around June 15th of 2022, right?

21 A I believe so. Somewhere in there. We were instructed to
22 post it.

23 Q Prior to that June 15th petition, were you aware that
24 other Starbucks stores have been trying to unionize?

25 A Was I aware that other --

1 MR. LERNER: Objection. Relevance. Other stores are not
2 alleged in the complaint.

3 JUDGE RINGLER: It's cross-examination, I'll -- I'll
4 permit it.

5 You can answer.

6 THE WITNESS: I was aware that other --

7 Q BY MS. GOMEZ: That other stores were. And you're aware
8 that there's a store in Buffalo, New York that had become
9 unionized?

10 A Yes.

11 Q And that was in December of 2021, correct?

12 A I don't remember when that was, but yeah.

13 Q Okay.

14 A I remember hearing about it.

15 Q Were you aware in -- prior to that April 25th meeting
16 the -- the meeting that you were asked about on direct where
17 you described the partner initiative with the publisher. Prior
18 to that meeting were you aware that other stores had been
19 trying to unionize?

20 A When was Buffalo again because that -- if it was after
21 Buffalo, I was aware.

22 Q It was --

23 A Okay, yes.

24 MR. LERNER: Objection. Counsel is testifying.

25 JUDGE RINGLER: No he said if it -- what did you say, that

1 if it were after Buffalo, you were --

2 THE WITNESS: Well, I knew, obviously we had heard about
3 Buffalo. And if our 25th meeting was after Buffalo, then I
4 would have known.

5 MS. GOMEZ: You don't have to look at him, he doesn't know
6 the answer, you can look at me.

7 JUDGE RINGLER: I don't think he was looking at him for
8 coaching.

9 MS. GOMEZ: Okay.

10 THE WITNESS: So I gu -- I guess, yes.

11 MS. GOMEZ: Okay.

12 THE WITNESS: I'm just trying to remember timing.

13 MS. GOMEZ: Under -- understood, understood.

14 THE WITNESS: It was a long time ago.

15 Q BY MS. GOMEZ: So just to clarify because I don't know if
16 I quite understand your testimony just yet. So let's try this
17 again. So before that staff meeting that you had at the San
18 Pablo store where you described this new initiative to the
19 employees. At the time that you had that meeting, were you
20 aware that other stores had been trying to unionize?

21 MR. LERNER: Objection. Asked and answered.

22 JUDGE RINGLER: Overruled. Go ahead.

23 THE WITNESS: Yes.

24 Q BY MS. GOMEZ: And at that time, were you aware that the
25 Buffalo store had become a unionized facility?

1 A I -- I don't know the timing of the two. I know that I
2 knew Buffalo was or -- was organizing because obviously that
3 was -- was public knowledge. And I don't remember when that
4 became official or not, so --

5 Q Okay. Understood, that's fine. One moment.

6 A Sure.

7 Q So going back to these meetings that you testified about
8 that you had with employees after that April 25th meeting --

9 A Uh-huh.

10 Q -- did Ms. Aycock ever sit in on the meetings with you?

11 A No. Not that I remember.

12 Q Okay. You testified that you discussed employee benefits
13 during those meetings, correct?

14 A Yes.

15 Q And as part of those discussions; isn't it also true that
16 you discussed upcoming benefits to be implemented?

17 A In May?

18 Q Yes.

19 A I don't think we had privy to that in May. I don't know.
20 Not in May, I think that came later.

21 Q And when would later be then?

22 A We received some information that -- that Starbucks and
23 Howard had brought to our attention that we were -- he was
24 going around and meeting with partners throughout the
25 organization. And that we had met with lots of partners, and

1 they had come up with some really cool things as part of
2 emerging from the pandemic and that they were going to be
3 implementing.

4 Q When you say Howard, are you referring to Howard Schultz?

5 A Yes.

6 Q No relation, correct?

7 A No.

8 Q Just checking. And do you know when Mr. Schultz went and
9 had those meetings with employees?

10 A No, I don't remember.

11 Q Okay. Mr. Schultz, at the time that the -- Mr. Schultz.

12 So it's my understanding, Mr. Schultz used to work for
13 Starbucks, left and then came back; is that correct?

14 A He returned, yeah.

15 Q And isn't it true that Mr. Schultz returned to Starbucks
16 in 2022?

17 MR. LERNER: Objection. Beyond the scope of direct.

18 JUDGE RINGLER: What is the relevance to when Mr. Schultz
19 returned? In terms of Rob Ringler deciding the 81.

20 MS. GOMEZ: Well --

21 JUDGE RINGLER: Do you want to state it outside the
22 witness' presence?

23 MS. GOMEZ: Maybe. Well, no that's fine. I mean these
24 are all going to knowledge of -- of union activity and
25 organizing activity. There's been a lot of discussion on

1 direct --

2 JUDGE RINGLER: I understand that. I think it's far
3 afield though.

4 MS. GOMEZ: So yes or no?

5 JUDGE RINGLER: No. Far afield means no. It means I'm
6 not seeing it as relevant.

7 MS. GOMEZ: Just to clarify.

8 JUDGE RINGLER: Okay, that's fine, that's fine.

9 MS. GOMEZ: Okay. Thank you.

10 Q BY MS. GOMEZ: Okay. Well, I'm going to share with you a
11 document that has already been admitted. It is GC-2, so if you
12 guys have a copy of your GC-2. So here you go, Mr. Schultze.
13 Do you need glasses?

14 A Yeah. Can I grab them?

15 JUDGE RINGLER: Absolutely. Absolutely, go ahead.

16 MS. GOMEZ: I want you to be able to see that.

17 JUDGE RINGLER: Give me a moment, I'm having a hard time
18 finding mine, actually.

19 MS. GOMEZ: I think we may have extra copies, Your Honor.

20 JUDGE RINGLER: I know I have it here, so just my papers
21 got a little jumbled up here. There it is. I'm good, thank
22 you.

23 Q BY MS. GOMEZ: Once you've had an opportunity to review
24 that, let me know and I can forward.

25 A Okay.

1 Q Thank you. Have you seen this document before?

2 A Yes.

3 Q Okay. And -- and what is this document?

4 A This document is -- was in response to, again when -- when
5 Howard returned as CEO of the Company, they went on a -- Howard
6 and they met with all aspects of the organization, and they
7 realigned on what was important to partners as part of our
8 coming back to our heritage. And they -- as part of him taking
9 over the Company, he assessed what needed to be done. And so
10 these were kind of a summary of some of the first things that
11 they brought forward that they were introducing to the general
12 population, Starbucks.

13 Q And when you say general population, do you mean the
14 employees?

15 A Starbucks partners, yeah.

16 Q Okay. I just wanted to clarify.

17 A Sorry.

18 Q Thank you. And so these are new benefits that they would
19 be receiving, correct? The employees.

20 A Correct.

21 Q Okay.

22 A Under what's next.

23 Q Under what's next.

24 A Coming soon.

25 Q Okay. And did you discuss the items listed on this

1 document with the employees during your meetings with them at
2 the San Pablo store?

3 A I believe I shared them, yes.

4 Q You did discuss them?

5 A Uh-huh.

6 MS. GOMEZ: Okay. That's all. I -- I can take that back.

7 THE WITNESS: Okay.

8 MS. GOMEZ: Actually, no, I'm going to give this back to
9 you because I realized I have a couple more questions and you
10 don't need to not have that in front of you.

11 Q BY MS. GOMEZ: So -- so listed on this document is a pay
12 raise, right?

13 A Uh-huh.

14 Q Do you see that? Okay. And do you know if other stores
15 received that pay raise?

16 MS. GOMEZ: Well actually, strike that.

17 Q BY MS. GOMEZ: Did the -- did the employees at the San
18 Pablo store receive the pay raise that's listed on this
19 document?

20 A My understanding is yes.

21 Q And when did that pay raise go into effect?

22 A I believe it was in August.

23 Q Of 2022?

24 A I think, yes.

25 Q And do you know if other stores also received that pay

1 raise in August of 2022?

2 A Yes.

3 Q Do you know when this pay raise was first announced?

4 A I don't remember when it was first announced, but I do
5 know we -- at advice of counsel --

6 Q Oh, I don't want you to tell me anything that your
7 counsel's told you. So you can stop right there.

8 A Okay. No, I'm just saying that the permission to share
9 the information. We didn't know -- we were very careful that
10 this was not predicated on offering something that we couldn't
11 offer, if that makes sense.

12 Q No, that doesn't make sense.

13 A Okay.

14 Q Okay. So can you clarify? Without saying -- I don't want
15 you to disclose attorney client conversations, but I do want
16 you to clarify your answer if you're able to.

17 A Right. We were aware that we were not to offer new
18 benefits to -- once a store entered into a -- a unionizing
19 activity. And so we were very -- we asked to make sure that we
20 didn't present anything as being promised until we had the okay
21 that it was all right to share that information.

22 Q And did you share that information with employees?

23 A The what's next, yes.

24 Q And also what you just described about not predicating
25 things on unionizing activity with employees. Did you say that

1 to employees?

2 A No.

3 Q Okay. What did you tell employees about what's on --

4 A I just told them -- we just went through, and I shared
5 what -- some of the things that were coming from Starbucks
6 that -- that Starbucks was offering had -- had. They had
7 come -- they were adding value to the things that we need as an
8 organization and that they were offering these in the first
9 part of August.

10 Q Okay.

11 A Where as stipulated.

12 Q Were you directed to have those meetings with employees at
13 the San Pablo store?

14 A No.

15 MS. GOMEZ: Those are all my questions, Your Honor.

16 JUDGE RINGLER: Okay. Thank you. Anything on redirect?

17 MR. LERNER: No, Your Honor. The witness is excused.

18 That's your job, but --

19 JUDGE RINGLER: Okay. And -- it's all right, you're
20 helping me out, I appreciate it. You're excused. And please
21 don't discuss your testimony with anyone.

22 THE WITNESS: Okay.

23 JUDGE RINGLER: Safe travels back.

24 THE WITNESS: Thank you.

25 JUDGE RINGLER: All right. Just two minutes off the

1 record. Thank you.

2 (Off the record at 3:45 p.m.)

3 JUDGE RINGLER: All right. So we've got our next witness.
4 So who do we have?

5 MR. LERNER: Kristen Kris Aycock.

6 JUDGE RINGLER: All right. So please, first and foremost,
7 spell your name for the record, first and last.

8 MS. AYCOCK: K-R-I-S-T-E-N A-Y-C-O-C-K.

9 JUDGE RINGLER: All right. Please raise your right hand.
10 Whereupon,

11 **KRISTEN AYCOCK**

12 having been duly sworn, was called as a witness herein and was
13 examined and testified as follows:

14 JUDGE RINGLER: All right.

15 **DIRECT EXAMINATION**

16 Q BY MR. LERNER: Hi Kris.

17 A Hi.

18 Q Thanks for coming in today. I know you've been waiting
19 for a while, so I appreciate it. Kris, are you currently
20 employed by Starbucks?

21 A Yes.

22 Q What's your job title?

23 A Store manager.

24 Q Are you the store manager of the San Pablo store?

25 A Yes.



1 Q And that store -- is that sometimes referred to as El
2 Portal?

3 A Yes.

4 Q Okay. How long have you been the store manager of San
5 Pablo?

6 A Coming up on two years.

7 Q Briefly, just for background reference, can you tell us
8 what your duties are in your current role?

9 A Day-to-day operations of supporting the team. I handle
10 all of the hiring and staffing and scheduling day-to-day
11 operations, training, coaching.

12 Q Thanks. How long have you worked for Starbucks in total?

13 A Almost 20 years total.

14 Q And you don't have to tell us the locations, but have you
15 held other positions at Starbucks --

16 A Yes.

17 Q -- besides store manager? Can you tell us what those
18 positions are, your work?

19 A Barista, shift supervisor, assistant manager.

20 Q Okay. Are you familiar with a Starbucks initiative called
21 to be a partner?

22 A Yes.

23 Q Okay. I'd like to direct your attention to around April
24 25th of 2022 did you have a meeting with partners at the El
25 Portal store regarding to be a partner?

- 1 A Yes.
- 2 Q Who had that meeting?
- 3 A Myself and the assistant store manager at that time.
- 4 Q Is that Juvenal Pena?
- 5 A Juvenal Pena.
- 6 Q And was this meeting for baristas and shift supervisors?
- 7 A Yes.
- 8 Q Was the to be a partner meeting, was that unique to San
- 9 Pablo or did it happen at other stores, if you know?
- 10 A All stores all over the country.
- 11 Q To the best that you can remember, can you walk us through
- 12 what happened during that meeting, including what the purpose
- 13 of it was?
- 14 A Purpose of the meeting was to bring partners together,
- 15 realign on our purpose as a company, get to know why partners
- 16 loved being at Starbucks.
- 17 Q Okay was this meeting voluntary?
- 18 A Yes.
- 19 Q Were partners free to speak up during the meeting?
- 20 A Yes.
- 21 Q Was anyone disciplined for speaking up during this
- 22 meeting?
- 23 A No.
- 24 Q And were partners free to leave the meeting?
- 25 A Yes.

1 Q Did any partners not attend that meeting, that you know of

2 A Specifically who didn't attend, I don't know, but there
3 were two to three partners that didn't attend.

4 Q Those two to three folks who did not attend, were they
5 disciplined for not attending?

6 A No.

7 Q During the meeting, did any partners raise any problems
8 they were having?

9 A No.

10 Q And to the best of your memories, did any partners ask
11 Starbucks to fix any issues they were having?

12 A No.

13 Q Was there any discussions of unions or organizing during
14 that meeting?

15 A No.

16 Q Do you recall during that meeting, did you ask any
17 partner -- ask any partners in general if they had any
18 questions or concerns that they wanted to address?

19 A That was typical of any connection that I ever had with a
20 partner. It wasn't unique to that meeting.

21 Q So would you have asked that question of partners prior to
22 April of 2022?

23 A Yes.

24 Q Okay. Are you familiar with the April global month of
25 community service?

1 A Yes.

2 Q Can you tell us what that is?

3 A It's a Starbucks initiative to bring partners together to
4 do community projects that are meaningful and impactful in
5 their neighborhoods.

6 Q Is that a yearly event for Starbucks?

7 A Yes.

8 Q And did that pre-date April of 2022?

9 A Yes.

10 Q So thinking of April, the one that happened in April of
11 2022, as part of this program, were t-shirts offered to
12 partners?

13 A Yes.

14 Q Can you explain that to us?

15 A As long as I've been involved with Starbucks and community
16 work, they have provided t-shirts to unite partners that are
17 working on a project. And so this was the shirts that
18 Starbucks provided in order to do that.

19 Q Do you remember what was on the shirts?

20 A I think they said something good happens here or extra
21 shot of good.

22 Q And if a partner wanted a shirt in April 2022, how did
23 they get one?

24 A Just ask for one.

25 Q They ask you?



1 A Ask me.

2 Q Did these shirts have anything to do with a partner's
3 union support?

4 A No.

5 Q Were the shirts free for partners?

6 A Yes.

7 Q Did you use your own personal money to buy the shirts?

8 A No.

9 Q Are you aware of anyone being denied a shirt that wanted
10 one?

11 A No.

12 Q IN previous years at Starbucks, during this April global
13 month of community service, did Starbucks also offer like
14 similar t-shirts to folks who were performing community
15 service?

16 A Yes.

17 Q Can you think of an example?

18 A I managed a store that was really close to Golden Gate
19 Park in the city -- in San Francisco and we did a lot of
20 community work, and our partners routinely were doing community
21 projects and they received t-shirts. All we had to do is go on
22 to a website and order them.

23 Q Okay. Prior to April of 2022, are there other times were
24 Starbucks offered partners free t-shirts?

25 A Yeah.

1 Q Can you tell us about that, give us an example?

2 A We received Black Lives Matter t-shirts as part of
3 supporting our black partner network. We received barista
4 craft t-shirts when we all completed our barista craft
5 training.

6 Q Were there ever any like LGBTQ t-shirts for pride month?

7 A Yeah.

8 Q And those were offered for free?

9 A Those were offered -- if you participated in the parade,
10 you received a t-shirt, yeah.

11 Q Okay. So just thinking about April in general, did you
12 ever promise partners better or increased benefits if they did
13 not unionize?

14 A No.

15 Q Okay. Let's focus on May and June of 2022. You were
16 still the store manager then, right?

17 A Yes.

18 Q Did you ever tell partners that they couldn't talk about
19 the union or unionization during working time?

20 A No.

21 Q Did you talk to partners about focusing on customers?

22 A Yes.

23 Q Could you tell us what happened?

24 A I reminded partners that their focus was to be customers
25 when they were customer facing and they shouldn't be having

1 personal conversations while there were customers needing to be
2 helped.

3 Q Did those personal conversations interfere with customer
4 service; is that why?

5 A Yes.

6 Q Okay. Still thinking about May or June of 2022, did you
7 ever disparage or make fun of a pro union partner?

8 A No.

9 Q Would you ever mark -- mock a partner for any reason?

10 A No.

11 Q Did you ever tell a partner at any time that they -- that
12 they violated the law?

13 A No.

14 Q Okay. Still thinking May, June of 2022, did you tell
15 partners that you wouldn't be able to help or support them if
16 they unionized?

17 A No.

18 Q Did you tell them that if -- if they unionized, you would
19 be rendered useless?

20 A No.

21 Q Did you tell them if they unionized, you wouldn't be able
22 to do anything for them?

23 A No.

24 Q Okay. Still thinking about May or June of 2022. Did you
25 ever tell partners that you knew that they were organizing for

1 the union?

2 A Yes.

3 Q Can you tell us about what happened?

4 A It was part of a conversation that a partner initiated
5 when they asked for their pro union information to be posted in
6 the back of house. And I let them know that that area was
7 strictly for Starbucks communication, and they wanted equal
8 representation in that area. And I basically said, you can
9 continue communicating the way that you're already
10 communicating and --

11 Q That was it?

12 A -- that was it.

13 Q Okay. Did you ever single out -- same time period, I'm
14 sorry, May, June of 2022. Did you ever single out a specific
15 partner by telling them that you knew they were organizing for
16 the union?

17 A Nope.

18 Q In the back of the San Pablo store, are there
19 refrigerators and freezers where Starbucks posts information to
20 partners?

21 A Yes.

22 Q Can you tell us about that?

23 A Any information that pertains to partners is posted back
24 there, schedules, phone lists, ways to contact me, information
25 about sales, weekly updates.

1 Q Is this Starbucks only information that's posted up there?

2 A Starbucks only information.

3 Q Are partners allowed to post in that area?

4 A No.

5 Q Have they ever been allowed to put stuff up in that area?

6 A No.

7 Q In May or June of 2022, did you take down something from
8 that area?

9 A Yes.

10 Q Could you tell us what happened?

11 A I arrived to work, and I saw that there were post its on
12 the some of the Starbucks information in the back room and I
13 took them off.

14 Q Did you take down these post-it notes because of their
15 content or because they weren't allowed to be there?

16 A They weren't allowed to be there.

17 Q Did you talk to any -- did you tell any partners about
18 this after you took them down?

19 A No.

20 Q I might have asked this, but bear with me. Did you tell
21 any partners that removing any Starbucks material was against
22 the law?

23 A No.

24 Q Okay. Throughout May or June or really any time, did you
25 ever threaten a partner not to discuss the union organizing?

1 A No.

2 Q Anytime between April and any time, did you ever tell
3 partners that they would lose benefits if they unionized or
4 supported the union?

5 A No.

6 Q Around May or June of 2022, did you tell partners that if
7 they unionized it would make things worse for them?

8 A No.

9 Q Around May or June of 2022, did you tell partners that if
10 they unionized, the store would be less productive?

11 A No.

12 Q Thinking specifically to June 12th -- around June 12th, I
13 should say. Did you talk with partners about how unions make
14 money?

15 A I had a shift supervisor meeting, which we regularly have,
16 once a week --

17 Q Uh-huh.

18 A -- once every two weeks. And there were supervisors that
19 had questions about the unionizing process, and we discussed
20 it.

21 Q Can you tell us what was discussed in terms of -- or what
22 you said in terms of like how unions make money?

23 A I simply told them that you pay dues in order to have
24 representation from the union and it's a -- it's a for profit
25 situation.

1 Q Okay. Switching topics a little bit -- you don't have to
2 wait for me, I'll wait for you. Okay. Switching topics a
3 little bit, are you familiar with a partner named Stephanie
4 Espinoza?

5 A Yes.

6 Q Then she was Stephanie Sanchez.

7 A Yes.

8 Q Does she work at El Portal?

9 A Yes.

10 Q What's her job title?

11 A Shift supervisor.

12 Q Okay. Around May or June, did she talk to you about a
13 partner group chat?

14 A She did.

15 Q Who started that conversation?

16 A Stephanie did.

17 Q So she approached you?

18 A Yes.

19 Q Can you tell us the best you can remember what happened?

20 MS. GOMEZ: Objection to the extent that he's going to --
21 she's going to describe what Ms. Sanchez told her. That's
22 hearsay, Your Honor.

23 JUDGE RINGLER: I'll allow it. Go ahead.

24 A I had recently returned from vacation, and as I normally
25 do, check in with my partners, check in with my team. I asked

1 were there any developments, incidents while I was gone,
2 anything I needed to follow up with in regards to partner care
3 or partner issues, and Stephani informed me that there was
4 something that I should be aware of and said that there was
5 unionizing activity.

6 Q BY MR. GARBER: And what did she say about this chat, if
7 you remember?

8 A She said that there was a group chat that was started to
9 gain support.

10 Q Did you respond or just listen?

11 A I just listened.

12 Q Did you ask Stephani for more inf -- information?

13 A No.

14 Q Did you ask her to see the chat?

15 A No.

16 Q Did you ever tell any Starbucks partner that you knew of
17 the ch -- that Starbucks knew of the chat and had not yet
18 stopped it?

19 A No.

20 Q Did you in any way tell partners that Starbucks would
21 somehow end this group chat?

22 A No.

23 Q Okay. Still around June 12th, do you recall, did you tell
24 partners that contract bargaining would take three years?

25 A No.



1 Q Did you say anything -- was there any discussion about how
2 long bargaining could take?

3 A General conversation, yes, based on my own experience.

4 Q Can you tell us about that -- those conversations you had
5 with partners?

6 A Yeah. I shared that my wife had currently just gone
7 through negotiation in her own union bargaining process and had
8 been out of contract for two years, and I just shared that that
9 was typical of bargaining, that it could take up -- upwards of
10 two to three years.

11 Q So you said up -- upwards --

12 A Upwards.

13 Q -- up to the -- okay. Did you tell anybody at any time
14 that Starbucks wouldn't negotiate in good faith?

15 A No.

16 Q Did you ever tell any partner that Starbucks would not
17 reach a contract with the Union?

18 A No.

19 Q Focusing still on June 12th, did you tell partners that
20 labor hours wouldn't change? Kris?

21 A Not --

22 Q I'm sorry. Were you -- I -- I was -- were thinking --

23 A -- not specif --

24 Q -- or --

25 A -- no.

1 Q Okay.

2 A Not -- that's not accurate.

3 Q Okay, tell us what -- what you did say.

4 A I shared that Starbucks' labor model would not change,
5 that we needed the same amount of hours to run a store whether
6 it was a unionized store or not.

7 Q Okay, thanks for telling us that. Around June 12th, did
8 you tell any partners that if they unionized, they wouldn't be
9 able to transfer to other stores or work as a borrowed partner?

10 A No.

11 Q Were there any discussions about transferring or working
12 as a borrowed partner around that time; do you recall?

13 A There were questions because there were a couple partners
14 who were interested in transferring, and I let them know that
15 the process was unclear at that time.

16 Q What do you mean by the process?

17 A The transfer process at a petitioning store.

18 Q Okay. Okay, let's switch topics a little bit. In your
19 experience at Starbucks, does Starbucks, as an organization,
20 solicit partner feedback?

21 A Yes.

22 Q And does Starbucks do this through meetings with partners
23 at the store level?

24 A Yes.

25 Q Did these types of meetings occur prior to April of 2022?



1 A Yes.

2 Q In your experience, why does Starbucks solicit feedback
3 from partners?

4 A Because it wants an open dialogue with partners, and it
5 wants to hear how we can improve the partner experience.

6 Q Okay. Are you familiar with a Starbucks meeting called an
7 open forum?

8 A Yes.

9 Q Did these occur prior to April of 2022?

10 A Yes.

11 Q Can you explain to us what an open forum is at Starbucks?

12 A It's a companywide meeting, and it's to share ideas and to
13 come together and have honest conversation and sharing of
14 feedback.

15 Q Do shift supervisors and baristas attend these meetings?

16 A Yes.

17 Q Are partners invited to speak or ask questions at these
18 meetings?

19 A Yes.

20 Q And can partners get feedback also?

21 A Yes.

22 Q Roughly, how many would you say you've attended, if you
23 can give an estimate?

24 A I've attended one in person and two virtually.

25 Q Okay. Are you familiar with a Starbucks meeting called a

1 townhall?

2 A Yes.

3 Q Can you explain what a townhall is at Starbucks?

4 A It's a more localized meeting of partners to give feedback
5 and share ideas and align on priorities and ask for support.

6 Q Okay. Are baristas and shift supervisors invited?

7 A Yes.

8 Q And are partners invited to speak and ask questions?

9 A Yes.

10 Q Can partners give feedback?

11 A Yes.

12 Q Did townhalls occur before April of 2022?

13 A Yes.

14 Q Okay. Are you familiar with a Starbucks meeting called a
15 roundtable?

16 A Yes.

17 Q Can you explain what a roundtable is at Starbucks?

18 A Similar purpose on a more localized level, like a district
19 or an area. DMs and regional directors are involved, and it's
20 similarly focused on sharing ideas and aligning on priorities
21 and removing obstacles.

22 Q Okay. And baristas and shift supervisors, are they
23 invited, as well?

24 A Yes.

25 Q And partners are invited to speak and ask questions at



1 these meetings?

2 A Yes.

3 Q And are they invited to give feedback, as well?

4 A Yes.

5 Q Did these occur prior to April of 2022?

6 A Yes.

7 Q And were these townhalls -- did you say they're led by DMs
8 and -- and who else?

9 A Regional directors, DMs.

10 Q Okay. Okay, are you familiar with a Starbucks meeting
11 called a listening session?

12 A Yes.

13 Q Can you explain what a listening session is at Starbucks?

14 A Yes, it's more so aligned with our partner network groups,
15 and it's to bring like-minded similar interested partners
16 together to share ideas, get support, feel heard, seen.

17 Q Okay. When you say like -- like-minded groups, are we
18 talking a -- affinity networks, like a --

19 A Affinity networks, yeah, Pride Network, Black Partner
20 Network, Pan-Asian Network, Disabled Partners Network.

21 Q Okay. Baristas and shift supervisors, they are invited,
22 I'm assuming?

23 A Yes.

24 Q At these mee -- at these listening sessions, are partners
25 invited to speak up and ask questions?



- 1 A Yes.
- 2 Q Are they invited to give feedback, also?
- 3 A Yes.
- 4 Q Did these occur more frequently during the pandemic?
- 5 A Yes.
- 6 Q Why is that, if you know?
- 7 A Le -- my opinion, just less face-to-face interactions and
8 so Starbucks wanted to continue keeping partners connected and
9 sharing ideas and sharing feedback.
- 10 Q Okay. As an SM --
- 11 MR. GARBER: When -- when I say SM for the record, I'm --
12 store manager.
- 13 Q BY MR. GARBER: As the store manager, do you have weekly
14 shift supervisor meetings?
- 15 A Yes.
- 16 Q What's the purpose of these -- the shift supervisor
17 meetings?
- 18 A To align my team on the priorities that we're working on,
19 problems we're trying to solve.
- 20 Q Are shift supervisors invited to speak their mind or raise
21 workplace concerns during those meetings?
- 22 A Yes.
- 23 Q Did you hold these meetings prior to April of 2022?
- 24 A Yes.
- 25 Q As an -- as a store manager, do you have one-on-one check-

1 -ins with partners also?

2 A Yes.

3 Q Can you tell us what the purpose of those meetings are?

4 A Just to support my partners and make sure they're doing
5 well and being there to support them if they have any needs or
6 concerns.

7 Q And these are for baristas and shift supervisors?

8 A Yes.

9 Q Did you hold these meetings prior to April of 2022?

10 A Yes.

11 Q Okay. Are you familiar with a document titled, Store
12 Manager Approach: Excellence in Store Leadership?

13 A Yes.

14 Q Okay, I'm going to show you a document -- so -- okay, I'm
15 showing you this document titled, Store Manager Approach:
16 Excellence in Store Leadership. You're going to see a
17 scratched-out mark in the bottom that said Employer Exhibit 1.
18 I scratched out the "e" so it's R -- Respondent Exhibit 1. Do
19 you recognize this document, Kris?

20 A I do.

21 Q And what is it?

22 A It's a framework of all of the different work that we do
23 as leaders at Starbucks in order to deliver the partner
24 experience and the customer experience.

25 Q Okay. Could you turn to page 2? There are, let's see,

1 one, two, three, four columns. The third column from the left,
2 there's the second bullet point from the top, and it says, seek
3 to understand others perspective by soliciting input and active
4 listening; do you see that?

5 A Yes.

6 Q I guess that really says -- the first part of the
7 paragraph is as a partner, you live our values when you and
8 then seek, as I said. Can you tell us what that means in your
9 profession as a store manager?

10 A I need that information from partners in order to know if
11 there's support needed. I get valuable feedback on how I'm
12 doing as a leader. I find out about obstacles that they're
13 having in the store that's preventing them from being their
14 best. It just -- it gives me the information I need in order
15 to be a successful leader at Starbucks.

16 Q Do you do this currently?

17 A Yes.

18 Q And did you engage in this practice prior to April of
19 2022?

20 A Yes.

21 Q Way back when, when you were a barista, did your previous
22 store managers engage in this practice also?

23 A Yes.

24 MR. GARBER: Okay, Your Honor, I move to admit this
25 document as Respondent Exhibit 1.

1 JUDGE RINGLER: Any objections or voir dire?

2 MS. GOMEZ: Just a couple questions.

3 **VOIR DIRE EXAMINATION**

4 Q BY MS. GOMEZ: So who created this document; do you know?

5 A This is Starbucks. This is something that all store
6 managers are using as their framework for being a leader at
7 Starbucks.

8 Q Okay, so corporate sends this --

9 A Corporate.

10 Q -- to you? Thank you, okay. And then, when was the first
11 time that you saw this document; do you know?

12 A This is a revised store manager approach that was
13 launched, I want to say, January of 2022.

14 Q Thank you. Because it's at the very bottom, there's a
15 2022 date, so that would make sense, right, as the first time
16 you saw it?

17 A Uh-huh. And so prior to that, you -- there was a
18 different pamphlet?

19 A It's a -- it's a resource that's used at every level of
20 leadership in Starbucks. So from barista all the way up to
21 CEO, there's -- there's similar pillars, so this is just a
22 revised updated version of the store manager approach.

23 MS. GOMEZ: Okay, understood. I -- I have no objection,
24 Your Honor.

25 JUDGE RINGLER: Okay, we'll admit R-1.

1 **(Respondent Exhibit Number 1 Received into Evidence)**

2 MR. GARBER: Thank you, Your Honor.

3 JUDGE RINGLER: Yes.

4 **RESUMED DIRECT EXAMINATION**

5 Q BY MR. GARBER: Okay, Kris, changing topics a little bit
6 or changing topics completely. At Starbucks, when a member --
7 member of the public, like, breaks a window or mistreats a
8 partner, is that considered an incident?

9 A Yes.

10 Q Is the San Pablo store considered a high-incident
11 location?

12 A Yes.

13 Q Can you explain what that means?

14 A It means that this location experiences a significantly
15 higher amount of incidents percentagewise to the surrounding
16 area.

17 Q Has that been true your entire time there?

18 A Yes.

19 Q As a result of this high-incidence rate, do you check in
20 with partners?

21 A I do.

22 Q Does this include asking partners about their concerns and
23 how Starbucks can help?

24 A Yes.

25 Q Can you give us an example?

1 A I took over that store and realized immediately that there
2 were issues in the surrounding property that needed to be
3 addressed, and I asked the existing partners were there other
4 things that they noticed of concern, and we immediately started
5 working on resolving those issues.

6 Q Did you do, like, a store walk sort of thing?

7 A Store walks with them, yeah.

8 Q And so this happened -- you said when you first took over,
9 so this happened before April of 2022?

10 A Yes.

11 Q Okay. And it's an ongoing process?

12 A Yes.

13 Q Okay. Are you familiar with a survey called partner
14 perspective?

15 A Yes.

16 Q Can you tell us what a partner perspective is?

17 A It's a weekly request for information from partners at all
18 levels in the store asking how their last shift was and if
19 there was anything that Starbucks could do to support them.

20 Q Maybe I misheard you. Did you say this is weekly?

21 A The partner perspective is weekly.

22 Q Okay. And was this -- the partner's perspective, was that
23 offered before April of 2022?

24 A Yes.

25 Q Okay. I'm going to ask you about a couple -- I'm going to

1 ask you about a specific date. Do you have any recollection of
2 meeting with Max -- you know Max Pape, correct?

3 A Yes.

4 Q All right. Do you have any recollection of meeting with
5 Max around June 24th of 2022?

6 A No.

7 Q If you had met with Max, would it have been voluntary?

8 MS. GOMEZ: Objection. That's speculative, Your Honor.

9 JUDGE RINGLER: Sustained.

10 Q BY MR. GARBER: In your practice, when you meet with
11 partners, is it voluntary?

12 A Yes.

13 Q On June 24th, did you solicit any em -- ask employees
14 about any complaints they're having because they're organizing?

15 A No.

16 Q Did you promise partners anything because they're
17 organizing?

18 A No.

19 Q Okay. Are you familiar with a, I believe, former partner
20 Michaela Brantingham?

21 A Yes.

22 Q Okay. Have you -- and I'm -- Michaela was -- what was her
23 title, if you remember?

24 A She was a shift supervisor.

25 Q Okay. Did you ever tell her that you knew that she was

1 pro-Union and just you wanted to air it out?

2 A No.

3 Q Did you ever tell her that if she vote -- if a partner
4 voted for the Union, it'd be useless?

5 A No.

6 Q Did you tell her that if -- that if partners voted for a
7 Union that you wouldn't be able to help them?

8 A No.

9 Q Did you tell her that partners aren't allowed to talk
10 about the Union on the premises?

11 A No.

12 Q Did you ever pla -- in April, May, or June, did you plan
13 any specific meetings -- and plan meetings, I'm not asking to
14 discuss Union's -- or Union -- or -- organizing partners?

15 A No.

16 MR. GARBER: Just give me one moment, Your Honor.

17 JUDGE RINGLER: Absolutely.

18 MR. GARBER: Bear with me, Kris. Sorry. And Kris, this
19 is the way -- have nothing to do with you. I'm just reviewing
20 my notes real quick.

21 Q BY MR. GARBER: Around June 12th, did you tell Max that
22 you wanted to talk to them about the Union?

23 A No.

24 Q Did you ever tell Michaela Bram -- Brantingham -- my
25 bad -- is that the correct --

1 A Brantingham.

2 Q Brantingham, thank you. Did you ever tell Michaela --
3 everything one one -- I think we've covered actually most of my
4 questions. Did you ever tell Michaela I know that you're pro-
5 Union?

6 A No.

7 MR. GARBER: Okay. Nothing further, Your Honor.

8 JUDGE RINGLER: All right. Thank you. Cross?

9 MS. GOMEZ: Yes, but may I have some time, Your Honor?

10 JUDGE RINGLER: Certainly.

11 MS. GOMEZ: Thank you.

12 JUDGE RINGLER: Let's see what we've got here. So why
13 don't we give it ten minutes, and we'll reconvene at 4:22?

14 (Off the record at 4:12 p.m.)

15 **CROSS-EXAMINATION**

16 Q BY MS. GOMEZ: Good morning, Ms. Aycock -- I'm sorry, good
17 afternoon, Ms. Aycock. I need -- I need coffee. My name is
18 Lelia Gomez. I'm an attorney with the NLRB. I'm going to ask
19 you a series of questions this afternoon based on your
20 testimony you just provided. So for starters, did someone help
21 you prepare for today's testimony?

22 A Yes.

23 Q Who?

24 A My attorneys.

25 Q And did you review any documents in preparation for

1 today's testimony?

2 A No.

3 Q So you said that you're coming up on two years being the
4 district manager at the current store; is that correct?

5 A Store manager.

6 Q Store manager, sorry, yes. Thank you. Sorry for the --
7 I -- I didn't mean -- that's store manager, right? So would
8 that be August of 2021?

9 A 2020 -- yes, 20 -- yeah, early August.

10 Q 2021?

11 A Yes.

12 Q Okay, great. Just going through my notes. In the
13 Employer surveys that you discussed -- the employee surveys,
14 when did those first start?

15 A Partner perspectives?

16 Q Yes.

17 A I can't give you an exact date, but it's been at least the
18 last five of six years that I'm aware of.

19 Q And how often are those surveys?

20 A They go out to partners weekly.

21 Q So once a week those partners issue, okay.

22 A Emailed that information, yeah.

23 Q And who reviews the information?

24 A That is, I guess, processed by Starbucks itself.

25 Q But you don't review the email?



- 1 A I don't see it.
- 2 Q Okay.
- 3 A It's all anonymous.
- 4 Q Okay, understood. And so where do they take those
- 5 surveys?
- 6 A They receive an email from Starbucks. They provide their
- 7 email. They sign up for that communication, and then they
- 8 receive an email from Starbucks, and they do that on their own
- 9 device.
- 10 Q So it's something that they have to sign up for, so they
- 11 have to opt in to take -- to -- to be a recipient of that
- 12 survey?
- 13 A They have the opportunity to opt in when they're initially
- 14 hired and onboarded, but then there's the ability to go on and
- 15 enroll in that communication after the fact.
- 16 Q Okay. But again, so it's something that they volunteer to
- 17 be --
- 18 A Correct.
- 19 Q -- a part of? Okay, understood. With respect to the --
- 20 to be a partner meeting that happened in -- on or around April
- 21 25th of 2022, when was that meeting first scheduled?
- 22 A It would've been scheduled three to four weeks out
- 23 prior -- three to four weeks prior to the actual date.
- 24 Q And who scheduled that meeting?
- 25 A Myself or Juve Pena.

1 Q Okay. And were you directed to schedule that meeting?

2 A We were given the contents and the framework of the
3 meeting and told when it needed to be completed by.

4 Q And who gave you the content and told you when it needed
5 to be completed by?

6 A Starbucks provides the content, and the timing of it is
7 based on our noncoverage in our training planners.

8 Q And when you say Starbucks, is there, like, a specific
9 person from Starbucks that contacts you, like --

10 A No, it's just part of our -- it's part of our period
11 planning kit. It's part of the operational tasks that need to
12 happen during that period.

13 Q So I don't work there, so I know there's a lot of, like --

14 A Yeah.

15 Q -- institutional --

16 A Yeah.

17 Q -- knowledge that I'm not aware, so when you say period
18 planning, what's that?

19 A So we have promotions every six to eight weeks. So just
20 like pumpkin spice is coming up, we just received a package for
21 period planning, and it was for the fall launch, and so that
22 will contain everything that happens operationally, training,
23 culturally, business acumenwise, staffingwise. In that packet,
24 it lays it out, and it says these are the things that -- these
25 are the things that we're focusing on. These are the things

1 that we're going to execute on. Meetings would be a part of
2 that. Culturally, anything that's happening --

3 Q So -- so --

4 A -- laid out.

5 Q -- is that something that, like, you physically receive,
6 when you say (indiscernible, simultaneous speech).

7 A We do. We phys --

8 Q So something comes to the store?

9 A We do physically get a package, but it's also digitally
10 available.

11 Q Okay, and so is that the email?

12 A It's the -- the workplace site, so it's a private --

13 Q Like an intranet?

14 A It's a private Facebook for Starbucks.

15 Q Like a -- like actual Facebook?

16 A I believe that Facebook is the -- is the powering platform
17 behind it.

18 Q So you'll get a message, like, in an inbox --

19 A No.

20 Q -- is that what it -- oh, so --

21 A No.

22 Q -- so how are you notified on this platform about --

23 A So --

24 Q -- and -- and specifically about this, like, April 25th,
25 and I guess I'm trying to understand, like, how did you find

1 out that this is something you had to do and who told you that
2 you needed to do it?

3 A It's outlined in the period planning kit. It's a meeting
4 that is budgeted out for noncoverage, and so during that
5 period, this is one of the things that we're going to do with
6 that noncoverage. We're going to bring partners together.
7 We're going to talk about the partner experience. We're going
8 to talk about benefits, and we're going to celebrate what we do
9 for our partners and let them know things that are coming, and
10 that's outlined in the period planning guide.

11 Q So all store managers at all Starbucks across the country
12 receive the same period planning informing them that they
13 needed to have this to be a partner meeting --

14 A Yes.

15 Q -- around that time?

16 A Yes.

17 Q Okay. And that came directly from Starbucks corporate --

18 A Yes.

19 Q -- correct? So correct me if I'm wrong, but it sounds
20 like you -- there wasn't like a specific name attached to the
21 sender of this information?

22 A No.

23 Q It's just from this corporate account, and that's how you
24 were made aware of it --

25 A We --

1 Q -- right?

2 A -- received the mail pack weeks prior to any of these
3 activities having to happen, and it's also made available on
4 the workplace site where every store manager, every assistant
5 manager, every shift supervisor who's an ASU all have access
6 to. They have a profile, and they can access this
7 information --

8 Q Okay.

9 A -- at will.

10 Q Sure. Thank you. I -- I think we exhausted that. Thank
11 you. You mentioned about postings in the back of the house at
12 some point, and then you noted that sometime in May or June you
13 saw Post-its --

14 A Yeah.

15 Q -- and you took down Post-its, like actual little sticky
16 Post-its?

17 A Yeah, blue --

18 Q Okay.

19 A -- Post-its.

20 Q Blue Post-its. And -- and what was on those Post-its?

21 A I don't know. I couldn't really read much of what was on
22 it, but I know that it was put on top of the one.com
23 information that was posted in the back of house along with the
24 required petitioning information.

25 Q And when you say one.com --



1 A One.starbucks.com.

2 Q And -- and what are you referring to? You said that there
3 is a document there about that?

4 A There is just a -- a printout, ten things to know about
5 unionizing or unions or what does a union card look like, just
6 information informing partners.

7 Q Okay, give me -- give me one second. I'm going to show
8 you a document. It's already been admitted. It's GC 4. Do
9 you see -- I'm showing you that document. Is this the ten-
10 things-to-know-about flyer that was posted in the back of the
11 house --

12 A Yes.

13 Q -- that you were just describing?

14 A Yes.

15 Q Okay. Great, thank you. And how long was this flyer
16 posted in the back of the house?

17 MR. GARBER: Objection. Relevance.

18 JUDGE RINGLER: I'll allow it. You can answer.

19 A I don't know.

20 Q BY MS. GOMEZ: Did you post that flyer in the back of the
21 house?

22 MR. GARBER: Objection. Relevance.

23 JUDGE RINGLER: So you're saying you don't know?

24 THE WITNESS: I don't know how long it was --

25 JUDGE RINGLER: How long it's been posted?

1 THE WITNESS: -- it was up there.

2 JUDGE RINGLER: Okay. I'll allow it, and you can ask her
3 if she posted it. Go ahead.

4 Q BY MS. GOMEZ: Yeah. Do you know who posted that in the
5 back of the house?

6 A It would be me or Juve Pena.

7 Q Okay. Okay, so during your direct, you provided us a
8 series of different types of ways that management employees
9 communicate about different issues at the store. And so you
10 mentioned the phrase -- what I believe was an open forum,
11 right?

12 A Yes.

13 Q Okay. In your time being at the San Pablo store, has
14 there been an open forum?

15 A Digitally? Yes.

16 Q And when was that?

17 A I don't have specific dates.

18 Q Do you remember the year?

19 A They're held yearly.

20 Q Have you had one this year?

21 A I don't recall.

22 Q Okay. Did you have one last year?

23 A Yes.

24 Q Do you remember on time -- the -- the time that you had it
25 last year?

- 1 A Not specifically.
- 2 Q Okay. Did you have one in 2021?
- 3 A I don't recall.
- 4 Q How about in 2020?
- 5 A I don't recall specific dates.
- 6 Q You said you attended one in person. When did you attend
- 7 the in-person open forum?
- 8 A 2014.
- 9 Q And where was that?
- 10 A San Francisco.
- 11 Q You had also mentioned that there's town halls?
- 12 A Yes.
- 13 Q And are those specifically at the store or just -- I guess
- 14 just for the employees at a specific store?
- 15 A No.
- 16 Q Okay. Who -- who -- who are those town halls for?
- 17 A It's for a larger area, so it would be something like
- 18 NorCal, or it would be East Bay town hall. So it would be
- 19 bringing partners together from a larger grouping.
- 20 Q So that would consist of partners from multiple districts?
- 21 A Um-hum. Yes.
- 22 Q And it'd also include partners from multiple regions?
- 23 A It could.
- 24 Q It could? Okay. And during your time at the San Pablo
- 25 store, has there been a town hall?

1 A Yes.

2 Q And when was that town hall?

3 A That was in the beginning of 2021. 2021. I was not -- I
4 was not at San Pablo. I was still in San Francisco.

5 Q And there hasn't been one that you've participated in
6 since then, correct?

7 A That I've participated in, no.

8 Q Okay. Now you said the round tables -- is that
9 specifically for just one store?

10 A Not one store. More so like a district or -- or several
11 districts coming together, so it's similar to the -- similar to
12 the --

13 Q Town hall?

14 A -- the town hall, just a more localized version of that.

15 Q Okay. So not as big, but consists of multiple stores --

16 A Yes.

17 Q -- possibly making up different districts and regions?

18 A Yes.

19 Q Okay. So since you've been at the San Pablo store, has
20 there been a round table?

21 A Yes.

22 Q And when was that?

23 A I don't recall the date.

24 Q Okay, do you remember the year? I mean, has there been
25 one this year?

- 1 A There has been one this year.
- 2 Q Okay. Have there been more than one this year?
- 3 A Only one that I've been a part of.
- 4 Q Okay. How about last year?
- 5 A Last year there was only one that I'm aware of.
- 6 Q Okay. How about the year before that?
- 7 A The year before that, I was in the city, and I definitely
8 participated in multiple in the city.
- 9 Q In 2021?
- 10 A Um-hum. Early 2021.
- 11 Q Early 2021.
- 12 A A lot of in-person meetings were not happening --
- 13 Q Sure. COVID.
- 14 A -- during that period leading up to me transitioning to
15 that new store.
- 16 Q Okay. And then, you mentioned that there's listening
17 sessions, right?
- 18 A Yes.
- 19 Q And are those specific to one store?
- 20 A No.
- 21 Q Okay. So who participates in the listening sessions?
- 22 A It's companywide.
- 23 Q Oh, so that's like --
- 24 A It's a --
- 25 Q -- something that happens across --

- 1 A Across the entire country.
- 2 Q So how does everyone participate in that? Is it
- 3 virtually? Telephonically?
- 4 A It's virtually.
- 5 Q Okay. So that's a virtual meeting.
- 6 A Yes.
- 7 Q And so who leads that meeting?
- 8 A Generally, someone who's on the board of one of those
- 9 affinity groups or someone that chairs one of those groups.
- 10 Q And when you say affinity group, what are -- what are you
- 11 referring to?
- 12 A Like, the Pride Network or the Black Partner Network or
- 13 the disabled partner network. So there's a group within
- 14 Starbucks where partners can join and be part of and
- 15 participate. And someone in that group generally will create
- 16 that event or create that listening session, and it's sent out
- 17 to the entire company --
- 18 Q Okay. So it's not --
- 19 A -- the invitation.
- 20 Q -- just limited to people who are part of that network?
- 21 A No.
- 22 Q Okay. And since being at the San Pablo store, how many
- 23 listening sessions have you participated in?
- 24 A Two to three.
- 25 Q And were those meetings on working time or --

- 1 A Those are voluntary.
- 2 Q Those are voluntary. Okay. And those are held digitally,
3 you said, right?
- 4 A Yes.
- 5 Q Okay. And a similar question with respect to the round
6 tables -- were those voluntary?
- 7 A Yes.
- 8 Q So those weren't on working time?
- 9 A As a store manager?
- 10 Q Or for anyone, if you want to participate in that?
- 11 A If you -- if you want to participate, it's -- it's --
12 you're doing that outside of your working day.
- 13 Q Understood. And then, how about with the town halls?
- 14 A The same.
- 15 Q And the open forum?
- 16 A The same.
- 17 Q Okay. And your shift supervisor meetings at the San Pablo
18 store -- how often were those?
- 19 A Weekly.
- 20 Q Weekly. Once a week?
- 21 A Once a week.
- 22 Q Okay. And are those mandatory?
- 23 A They are. If they're working that day, then it's
24 scheduled as part of their schedule. If they are off that day,
25 it's voluntary for them to come in for that meeting.

1 Q Okay. And this weekly practice -- how long has that
2 weekly practice been in place for?

3 A Since I've been managing that store.

4 Q Okay. So the last two years then?

5 A Two years.

6 Q And then, you also said you have one-on-one check-ins.
7 How often do you have one-on-one check-ins with employees?

8 A Throughout the week.

9 Q And when you're having these one-on-one check-ins, is
10 this, like, a scheduled meeting that you have, or is it more
11 that you're working alongside them, and you're conversing with
12 them?

13 A It's not scheduled. It's during them coming in to work.
14 How are you doing? What's going on? What's new? How are you
15 doing? It's just more of a casual conversation. If they
16 express that they have things that are going on that they want
17 support with, then we have a deep conversation about it.

18 Q Sure. Sure. So while you're working and you're talking,
19 things come up. You talk to them.

20 A Yeah.

21 Q So is the San Pablo store a unionized store?

22 A No.

23 Q Did employees try to unionize the San Pablo store?

24 A Yes.

25 Q And there is an election in August, correct?

1 A Yes.

2 Q And prior to that, there was a representation petition
3 that was filed in June of that year, correct?

4 A I believe it was June, yes.

5 Q Okay. Prior to that big staff meeting that you had where
6 you introduced the To Be a Partner initiative, were you aware
7 that other Starbucks stores across the country had been trying
8 to unionize?

9 MR. GARBER: Objection. Relevance and outside the scope
10 of direct.

11 JUDGE RINGLER: I'll allow it. You can answer.

12 THE WITNESS: I had heard things on -- I had seen things
13 on Instagram.

14 Q BY MS. GOMEZ: What had you heard? What had you heard?

15 A Just that there was an initiative to unionize at
16 Starbucks.

17 Q Okay. And what had you seen on Instagram?

18 A Just postings.

19 Q About what?

20 A About unionizing.

21 Q Postings from who?

22 A From different people that I followed and different
23 accounts.

24 Q And do you recall when you first saw those postings?

25 A No.

1 Q Okay. How about when did you first hear about unionizing
2 at Starbucks?

3 A I don't recall.

4 Q Okay. Prior to that meeting, were you aware that a store
5 in Buffalo had successfully unionized?

6 MR. GARBER: Same objections.

7 JUDGE RINGLER: So I did permit it because I thought it
8 was relevant to knowledge and some other things and maybe other
9 witnesses' testimony, but now I think we're beating a dead
10 horse at this point.

11 MS. GOMEZ: Okay.

12 JUDGE RINGLER: Okay.

13 MS. GOMEZ: I'll move on, Your Honor.

14 Q BY MS. GOMEZ: Prior to the election, isn't it true that
15 you met with employees where the topics of unions were brought
16 up?

17 A No, that's not accurate.

18 Q So is it -- it's your testimony that before the election,
19 you never had any meeting with any employee where the
20 discussions of unions was raised?

21 A I had partners who asked me questions about unionizing,
22 but I did not have meetings instigating conversations about the
23 Union.

24 Q Well, that's not my question. My question is so you did
25 talk to employees about unions?

1 A I did.

2 Q Okay. And did you talk with them about the impact that
3 unions could have on employee benefits?

4 A No.

5 (Counsel confer)

6 Q BY MS. GOMEZ: Did you still have your copy of GC-4? No.
7 Okay. That's -- I didn't think so, so that's why I want to
8 bring it back to you. Here you go.

9 So you testified earlier that it was either you or Mr.
10 Pena who posted that in the back of the house. You don't
11 necessarily remember when, but that was there prior to the
12 election. At any point, did you ever discuss the contents of
13 this document with employees prior to the election?

14 A I did not.

15 Q Okay. I will -- so you mentioned that employees came to
16 you with questions about the unions. What did you tell --
17 well, let's see if this is allowed. What were the questions
18 that employee asked you about the Union?

19 A One question specifically was would they make \$25 an hour?
20 Was that accurate?

21 Q And what did you tell them?

22 A And I said there's no agreement that has been reached, so
23 it's hard for anyone to say that that is something that could
24 be promised.

25 Q Okay. Do you recall other questions that were asked?



1 A And they asked about the transfer process, and I said
2 similar. There hasn't been an agreement reached, so that
3 process is not clear at this point. And that's really the
4 conversations that I recall people initiating.

5 Q Do you recall how many employees you talked to about the
6 unions before the election?

7 A I probably talked to four or five partners.

8 Q Could you recall over the course of what period that you
9 talked to them?

10 A Over the course of two or three weeks, probably.

11 Q Okay. Do you remember the month?

12 A No.

13 Q Okay. But it was before the election?

14 A Oh, yes. It was very early on.

15 Q Okay. Oh, do -- you mentioned that you are on Instagram.
16 Do you follow any of your employees on Instagram?

17 MR. GARBER: Objection. Outside the scope of direct.

18 JUDGE RINGLER: It's cross. I'll permit it.

19 THE WITNESS: I don't.

20 MS. GOMEZ: Those are all my questions, Your Honor.

21 JUDGE RINGLER: All right. Anything on redirect?

22 MR. GARBER: No, we're all set, Your Honor. Thank you.

23 JUDGE RINGLER: Okay. Thank you as well. All right. So
24 you are all set as well. Thank you for your testimony.

25 THE WITNESS: Okay.

1 JUDGE RINGLER: Please do not discuss it with anyone.

2 MR. GARBER: I'll come grab that. Thank you, Kris.

3 JUDGE RINGLER: Um-hum.

4 THE WITNESS: All right.

5 MR. GARBER: Are we off the record?

6 JUDGE RINGLER: No, we're still on. Okay. So we'll --
7 we'll call our next witness tomorrow, starting at 9 a.m.

8 MR. GARBER: Yeah.

9 JUDGE RINGLER: I'm ready to close for the day, unless
10 there's anything that you want to mention before we close.

11 MR. GARBER: I don't think so. Kris, can you wait one
12 sec? I'll -- I'll just meet you now.

13 MS. AYCOCK: Yes.

14 MR. GARBER: Thank you. Sorry. No. I have nothing else.

15 JUDGE RINGLER: Okay. Anything on your end?

16 MS. GOMEZ: Not at this time. No, thank you.

17 JUDGE RINGLER: Not -- not at this time. Okay, so 9:00.
18 We'll see everyone then.

19 MS. GOMEZ: Okay.

20 JUDGE RINGLER: Thank you.

21 MS. GOMEZ: Thank you, Your Honor.

22 MR. GARBER: Thank you, Your Honor.

23

24 **(Whereupon, the hearing in the above-entitled matter adjourned**
25 **at 4:46 p.m. until Tuesday, August 15, 2023 at 9:00 a.m.)**

C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 32, Case Numbers 32-CA-298607, 19-CA-305406, Starbucks Corporation and Workers United A/W Service Employees International Union, held at the National Labor Relations Board, Region 32, Ronald V. Dellums Federal Building and Courthouse, 1301 Clay Street, Suite 300N, Oakland, California 94612-5224, on August 14, 2023, at 8:58 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.


PETER PETTY

Official Reporter

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 32

In the Matter of:

Starbucks Corporation,

Case Nos. 32-CA-298607

19-CA-305406

Respondent,

and

Workers United A/W Service
Employees International Union,

Union.

Place: Oakland, California

Dates: August 15, 2023

Pages: 251 through 344

Volume: 2

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 32

In the Matter of:

STARBUCKS CORPORATION,

Respondent,

and

WORKERS UNITED A/W SERVICE
EMPLOYEES INTERNATIONAL UNION,

Union.

Case Nos. 32-CA-298607
19-CA-305406

The above-entitled matter came on for hearing, via Zoom videoconference, pursuant to notice, before **ROBERT RINGLER**, Administrative Law Judge, at the National Labor Relations Board, Region 32, Ronald V. Dellums Federal Building and Courthouse, 1301 Clay Street, Suite 1550-S, Oakland, California 94612-5224, on **Tuesday, August 15, 2023, 9:03 a.m.**



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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Juvenal Pena	256	272			
Kristen Aycok			316	293	
David Peter Schultze				318	

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1 P R O C E E D I N G S

2 JUDGE RINGLER: Okay. All right, so we're back on the
3 record for day 2 of our Starbucks Oakland case. So Respondent
4 is presenting its case, so who do we have next?

5 MR. ARCEO: Juve Pena, Your Honor.

6 JUDGE RINGLER: Perfect. All right, let's bring him on
7 down. All right, Mr. Pena, so please make yourself comfortable
8 here. I don't know if you have a bottle of water. You're
9 welcome to --

10 MR. ARCEO: I can get so --

11 JUDGE RINGLER: -- bring it with you.

12 MR. PENA: How are you doing today, sir?

13 JUDGE RINGLER: All good. How are you doing?

14 MR. PENA: Great.

15 JUDGE RINGLER: Terrific. Terrific. So once you're
16 settled in -- and you can start by just spelling your name for
17 us, first of all.

18 MR. PENA: Yes. So my first name is Juvenal,
19 J-U-V-E-N-A-L, and Pena, P-E-N-A.

20 JUDGE RINGLER: All right. Please raise your right hand.
21 Whereupon,

22 JUVENAL PENA

23 having been duly sworn, was called as a witness herein and was
24 examined and testified as follows:

25 JUDGE RINGLER: All right. And Counsel, your witness.



1 MR. ARCEO: Thank you, Your Honor.

2 **DIRECT EXAMINATION**

3 Q BY MR. ARCEO: Hi, Mr. Pena. Would you mind if I called
4 you Juve?

5 A Yeah.

6 Q As you know, I am counsel for Starbucks. I'm just going
7 to be asking you a few questions. If I at any time say
8 something unclear, you want me to reword something, please let
9 me know.

10 Are you currently employed -- thank you --are you
11 currently employed by Starbucks?

12 A Yes.

13 Q And what is your current title?

14 A Store manager.

15 Q And what store do you currently work at?

16 A Store 5967, El Cerrito Plaza.

17 Q Thank you. Did you previously work for Starbucks at the
18 San Pablo store --

19 A Yes.

20 Q -- as an assistant store manager?

21 A Yes.

22 Q And the store is referred to as El Portal?

23 A Yes.

24 Q And how long were you the assistant store manager of the
25 San Pablo store?



1 A Roughly a year and maybe four to five months.

2 Q Okay.

3 A I don't know. Year and five months.

4 Q Can you give a rough time period come --

5 A Started at --

6 Q -- (indiscernible, simultaneous speech)?

7 A -- early 2022, I think at the beginning of February 2022,
8 and then I think March --

9 Q Okay.

10 A -- March 2022 is when I began.

11 Q Perfect, thank you. And briefly, what were your duties as
12 the assistant store manager at San Pablo?

13 A Mainly these were really just trying to learn the
14 business. As assistant store manager, you're just there. I'm
15 learning from the store manager, who was Kris at the moment.
16 First -- first couple of months, it was working side by side
17 with her learning the business, partner care, nurturing our
18 customers, and then towards the end of my journey there, I
19 started taking over a little bit, writing schedules, learning
20 the business, preparing to go into my own store.

21 Q Thank you. And how long have you worked for Starbucks in
22 total?

23 A Five years going on the sixth at the end of this year.

24 Q Thank you. Previous to your time at the San Pablo
25 location as the assistant store manager, did you have other

1 roles at Starbucks?

2 A Yes.

3 Q Can you list them off for me, please?

4 A Barista, barista trainer, supervisor, and then assistant
5 manager.

6 Q Okay. And how do you know Kris Aycock?

7 A She was my manager at the time at the El Portal store.

8 Q And if I say "Kris", will you know who I'm referring to?

9 A Yes.

10 Q And what does a store manager do?

11 A A store manager, I think from my opinion, at least I can
12 speak for myself, we really nurture our partners, take care of
13 our partners then go ahead and nurture our community, and then
14 from there, you start to learn about the business, really start
15 to learn about how we can make better customer service for our
16 customers, help -- help ourselves and stuff like that, yeah.

17 Q And how do you know Pete Schultze?

18 A He's our district manager.

19 Q Okay, and if I say "Pete", will you know who I'm referring
20 to?

21 A Correct.

22 Q And -- sorry, what's his role with respect to Starbucks?

23 A District manager.

24 Q And what does the district manager do?

25 A A lot behind the scenes. When it comes to, like, business

1 and overlooking our stores, overlooking the -- the managers,
2 making sure that we're doing the correct job and making sure
3 he's doing the correct job to lead us, his area, to success.

4 Q Thank you.

5 A Yeah.

6 Q And I want to direct your attention to around June of
7 2022. Around June 15th, did you tell partners that you knew
8 that they were talking about the Union?

9 A No.

10 Q Did you say anything along those lines?

11 A No.

12 Q Did you ever hear anyone else say something along those
13 lines?

14 A Can't recall.

15 Q Were you ever made aware of any group chats regarding the
16 Union or unionizing?

17 A Yes.

18 Q Can you tell me a little bit about what happened?

19 A Yeah. So I was walking into the store -- don't know the
20 exact date, but I was walking into the store like usual,
21 walking into our back of house to get my day started. I see
22 Kris Aycock, who was the manager, and Stephani Sanchez, who was
23 the shift supervisor, having a conversation. I was brought
24 into the conversation. Kris let me know that there was a group
25 chat going on, and after that, I kind of removed myself and

1 went to business on them.

2 Q Okay. And did you say anything to the partner or were you
3 just listening?

4 A I honestly don't remember.

5 Q Did you -- did Kris tell you anything or was she just
6 listening?

7 A Don't recall either.

8 Q Okay. And did you at any point join the group chat?

9 A No.

10 Q Did you at any point monitor the group chat?

11 A No.

12 Q To your knowledge, did anyone in management join the group
13 chat?

14 A No.

15 Q To your knowledge, did anyone in management monitor the
16 group chat?

17 A No.

18 Q Okay. Shifting gears here, around the same day, June 15th,
19 did you tell partners that they couldn't discuss the Union or
20 unionizing at the store?

21 A No.

22 Q Did you have a talk with partners regarding nonwork-
23 related discussions while on the line of production?

24 A Yes.

25 Q Can you tell me a little bit about that?

1 A Yeah, so when partners are clocked out, their expectations
2 are that that cannot be behind the line of productions, far
3 enough back of house. We had a partner named Max who was
4 having a conversation with one of our supervisors at the time
5 named Erick after he wa -- he was clocked out -- Max was
6 clocked out. Per business po -- po -- pah -- policies, I
7 walked up to him and let them know, sorry, that they couldn't
8 be having conversations when they were off the clock, that they
9 had to go ahead and -- as soon as you clock out, you have to go
10 ahead and transition into a customer and go -- and go into our
11 front of house.

12 Q Okay. And are you familiar with the partner guide?

13 A Yes.

14 Q And so what -- and so what is the partner guide?

15 A The partner guide is basically run -- breaks down all the
16 rules and guidelines that we have at Starbucks.

17 Q And are you familiar with the partner -- and please take a
18 moment to review.

19 A Yeah, yeah.

20 Q Let me know when you're done.

21 A Okay.

22 Q So you're familiar with the partner guide safety and
23 security section?

24 A Yes.

25 Q I'm now showing you the safety and security section of the



1 partner guide. Do you recognize this?

2 A Yes.

3 Q Okay, and what is the secu -- safety and security section
4 of the partner guide?

5 A It's mainly just a breakdown of maintaining a safe work
6 environment for our partners, whether it goes for manager all
7 the way to baristas, and even safety and security for our
8 customers.

9 MR. ARCEO: Thank you. Your Honor, I move to admit this
10 into evidence as Respondent Exhibit 2.

11 JUDGE RINGLER: All right. Any objection to R-2?

12 MS. MILLER-WALFISH: No objection, Your Honor.

13 JUDGE RINGLER: Okay. So R-2 is admitted.

14 **(Respondent Exhibit Number 2 Received into Evidence)**

15 Q BY MR. ARCEO: And are you aware of -- shifting gears, are
16 you aware of any incident or incidents in which partners would
17 place Post-it notes on the Starbucks bulletin board?

18 A Yes.

19 Q Can you please tell me about it?

20 A I -- I can't remember exactly what was put on those Post-
21 it notes. All I know is that, in the back of house, we're
22 allowed to have Starbucks-approved postings, whether it's on
23 their fridge or we have, like, an actual section where we put
24 communications from Starbucks, and I know that -- I can't -- I
25 don't know who was putting up these Post-its, but there were

1 Post-its being put up on some of the -- I believe it was on the
2 one.starbucks.com flyer that we posted, and we also had a
3 posting where it kind of broke down what the actual Union card,
4 the sign was and --

5 Q Okay.

6 A -- gave partners the knowledge of it, yeah.

7 Q And what did management do with regards to the Post-it
8 notes?

9 A Management moved them, the Post-its.

10 Q Okay, and why were they taken down?

11 A They weren't Starbucks-approved.

12 Q Okay. And are you aware of anything else not Starbucks-
13 related being put on the bulletin boards and then being taken
14 down?

15 A No.

16 Q Okay. And the board you mentioned was used for official
17 Starbucks business?

18 A Yes.

19 Q In your -- so switching gears -- in your experience with
20 Starbucks, does Starbucks as an organization solicit partner
21 feedback?

22 A Yes.

23 Q Does Starbucks do this through meeting -- how does
24 Starbucks do this?

25 A Through many different forms. I mean, sometimes we have

1 store meetings. Usually, store meetings are when we launch
2 something new or order something that the business it feels
3 that's important to get together as a store and go over.

4 We have shift supervisor huddles where management gets
5 together with supervisors and we talk about the weekly update,
6 what's rolling out, what's new that's rolling out. We talk
7 about the store, the business, how we can better our customer
8 connection and business.

9 At the end, at the super -- supervisor huddles, we leave a
10 little bit of time to talk about any support that they might
11 need going forward for the week and how to prepare them for
12 success, and then sometimes we have one on one with partners.
13 There are scheduled ones which are called PDCs, partner
14 development conversations, where we talk about their
15 development, what aspirations they have, what goals they have
16 for the business or with their personal life, and sometimes we
17 just have flex times as managers where we kind of just meet,
18 don't necessarily call it office hours, but we open ourselves
19 up for partners to come and really goes to concerns or talk to
20 us about anything that might be on their mind.

21 Q Okay, thank you. And I'll go through one of those when --
22 but with regard to the partner meetings at the store levels,
23 did these occur prior to April of 2022?

24 A Yes.

25 Q In your experience, why is it important for Starbucks to



1 give partner feedback?

2 A I mean, they're -- they're running our business 100
3 percent of the time. They're there doing the work. Management
4 is usually behind the scenes supporting them with that, and
5 sometimes we're on the floor actually supporting them with the
6 business, but it's important for them to feel safe and welcome
7 at their store.

8 Q And these shift supervisors huddles, can you tell us what
9 those are and what their purpose are?

10 A Yeah, so I think about -- I -- I don't know when, but they
11 really made them, I think, like, maybe two years ago where we
12 really started. Supervisors are like our managers on duty even
13 if the managers aren't there most of the time or if the
14 managers are away doing admin or doing something like this, per
15 se. They -- we talk about the business. We talk about
16 customer service. We talk about the weekly update and what's
17 being rolled out new that week or for the month. Without that,
18 like I said, we leave some time to -- for us to share some
19 concerns and talk about whatever support they might need for
20 the week or going forward.

21 Q Thank you. And did these occur prior to April of 2022?

22 A Yeah.

23 Q And as an assistant store manager and now store manager,
24 do you ever do one-on-one partner check-ins?

25 A Yes.



1 Q Can you tell us what those are and what their purpose is?

2 A The one-on-one check-ins usually just depends on whether
3 or not we observe something, and you want to have a
4 conversation with a partner, or like I said, sometimes you just
5 make yourself available for partners that come up and voice
6 their concerns or voice whatever support they might need from
7 you.

8 Q And how often do these occur?

9 A The partner development conversations are once a quarter,
10 and check-ins, I can't say. We have them daily sometimes,
11 maybe every other day, but usually when you're at the store,
12 partners feel comfortable to come talk to you about something
13 before something change, so.

14 Q And these one-on-one partner check-ins, did they occur
15 prior to April of 2022?

16 A Yes.

17 Q Thank you. Shifting gears, are you familiar with the
18 Starbucks initiative called "To Be A Partner"?

19 A Yes.

20 Q Can you tell me a little of the initiative?

21 A Yeah, so Starbucks decided to make a -- a meeting at every
22 store where were really just focused on what it meant to be a
23 partner. We rolled out (audio interference) of values. We
24 make sure partners really know what Starbucks stands for. We
25 went over benefits, and there was a discussion there for it,

1 but unfortunately, at our meeting that we had at our store at
2 El Portal, we were having some troubles with the internet, so
3 we weren't able to really play the videos that were part of the
4 discussion guide, but that's where Pete, our district manager,
5 kind of chimed in with support of us because he had been on a
6 couple other stores having those meetings.

7 Q Okay, and that "To Be A Partner" meeting, was that around
8 April of 2022 or do you remember?

9 A Can't remember exactly. I think . yes, it was.

10 Q Okay. And who led this meeting?

11 A It was Kris, I, and with Pete's support.

12 JUDGE RINGLER: And the date's not in controversy, so if
13 you wanted to lead him with respect to the date, I would not
14 have stopped you.

15 MR. ARCEO: Thank you.

16 Q BY MR. ARCEO: So did this date happen around April 25th,
17 2022?

18 A Yeah.

19 Q Okay, thank you. And was this unique to San Pablo, or was
20 this happening at other stores?

21 A Other stores.

22 Q So the best you can remember, can you walk us through what
23 happened in the meeting? We've already discussed the meeting
24 (indiscernible, simultaneous speech).

25 A Yeah, it was -- it was a little -- a year and some months

1 ago, but I remember we went in there and we kind of had a fun
2 idea of having an icebreaker -- I can't remember what the
3 actual icebreaker was -- and then we -- literally, we had the
4 discussion guide where it told us -- literally broke it down.
5 It would say say this, and after that, it would say say this,
6 And after that, it would say say that, and -- and that's kind
7 of what we followed through.

8 Q All right. And were partners free to speak up during the
9 meetings?

10 A Yes.

11 Q Did partners speak up during the meetings you watched?

12 A Yes.

13 Q Okay. And was anyone disciplined for speaking their mind
14 at the meetings?

15 A No.

16 Q And are you aware of any partners that did -- were not in
17 attendance?

18 A Can't remember.

19 Q And did partners raise any problems they were having?

20 A Yes.

21 Q Okay. And were there any discussions regarding the Union
22 or organizing?

23 A No.

24 Q Were there any discussions regarding wages and benefits?

25 A Benefits, yes. Wages, can't remember.

1 Q Thank you. Shifting gears, are you familiar with the
2 Starbucks April global month of community service?

3 A Yes.

4 Q What is that?

5 A It wa -- it's a month where we get together on April and
6 we have community champions at every -- at every district
7 level, so I think for our district, it might've been Destiny at
8 the time. She's another store manager in my district. They
9 get together and they come up with community events that we
10 could all go to and support our community. It was actually
11 rolled out in 2011 at Starbucks 40th year -- 40th year
12 anniversary, and we all just get together and see where we can
13 go. This year, we actually went to the Oakland Zoo on (audio
14 interference), and then cleaned it up and fed the animals and
15 whatnot, but.

16 Q And so you -- is this a yearly thing for Starbucks?

17 A Yes.

18 Q Okay. And so this has happened in April of previous years
19 from 2022?

20 A Yeah.

21 Q All right. And as part of the program, were partners
22 offered a free T-shirt?

23 A Yes.

24 Q Do you remember what the shirt said?

25 A I don't.

1 Q And -- and if a partner wanted a shirt in April of 2022,
2 how could they get one?

3 A We have a sign-up sheet in the back where people could
4 sign up and give a -- put their name and then their sizes.

5 Q All right. And could partners get a shirt regardless of
6 their Union support?

7 A Yes.

8 Q Are you aware of anyone being denied one of these shirts?

9 A No.

10 Q Do you know of anyone who was given extra T-shirts for
11 denouncing Union activities?

12 A No.

13 Q And previous to April 2022, can you think of instances
14 when Starbucks also offered T-shirts to partners who performed
15 community service?

16 A Yes.

17 Q Can you tell us about that?

18 A I mean, I -- I think I could be a perfect example. I
19 think I have around, like, six of those shirts. Yeah, we --
20 we -- Starbucks kind of rolls it out on different meetings that
21 we have for different launches that we have for different
22 events that we have. They give out different shirts for it,
23 yeah.

24 Q Okay. And did you pay for these shirts with your --

25 A No.

1 Q -- own money? Now, did -- switching gears, did partners
2 ever ask you about unions?

3 A Yes.

4 Q And what was asked?

5 A Partners would just really wanted to be aware of what was
6 going on with the store and -- and what -- I mean, they were
7 probably getting approached by other partners about it or
8 I'm -- I'm not 100 percent sure, but they would ask me what --
9 what was going on, what was the Union, whether to union --
10 unionize, and -- and what was the card that they were getting
11 access on.

12 Q Okay. And how would you respond to them?

13 A I referred them to our bulletin board in the back. We had
14 the one.starbucks.com website pulled up on there, the -- the
15 flyer for it, and we also had the -- the paperwork kind of
16 explained what the Union probably was.

17 Q Okay. Now, the May -- May-June time frame of 2022, did
18 you ever threaten employees with reprisals if they discussed
19 Union or unionizing?

20 A No.

21 Q Okay. And are you aware of any Union pins that were
22 floating around?

23 A No.

24 MR. ARCEO: Oh, no. That's all my questions, Your Honor.

25 JUDGE RINGLER: Okay.

1 MS. MILLER-WALFISH: Your Honor, may I request a brief
2 recess?

3 JUDGE RINGLER: Yes, so it's 9:20, so we'll start for the
4 cross at 9:30.

5 MS. MILLER-WALFISH: Okay, thank you.

6 JUDGE RINGLER: Okay, you're welcome. So we'll go off the
7 record until then.

8 (Off the record at 9:20 a.m.)

9 **CROSS-EXAMINATION**

10 Q BY MS. MILLER-WALFISH: Good morning, Mr. Pena.

11 A Good morning.

12 Q My name is Ezera Miller-Walfish. I'm an attorney with the
13 National Labor Relations Board, and I'll be asking you just a
14 few questions ba -- based on the testimony that you just
15 provided.

16 A Okay.

17 Q So to start off, I want to draw your attention back to the
18 June 15th timeline during which you testified that there was a
19 conversation between partners Max and Erick. Can you please
20 explain what exactly you said to Max and Erick during that June
21 15th conversation?

22 A I can't exactly recall what I said, but I know I said
23 something along the lines of they couldn't -- Max couldn't
24 be -- be in the -- our line of production if they were off the
25 clock.

1 Q And when you told Max that, did you cite the partner
2 guide?

3 A I can't remember. Can't recall.

4 Q Moving forward to the discussions of Post-it notes on the
5 Starbucks bulletin, you mentioned that there were some Post-it
6 notes on the one.starbucks.com flyer. Do you remember what the
7 Post-it notes said?

8 A No.

9 Q Who from management removed them?

10 A I believe Kris.

11 Q In that area where the Starbucks-approved flyers were, was
12 there also an area where partners could post materials?

13 A No, or I don't remember.

14 Q Okay, so there was no, like, community board, anything
15 like that?

16 A There's a community board in our lobby, yeah, and the back
17 of house is just Starbucks-approved paperwork that goes back
18 there.

19 Q Okay, so jumping into there were a number of different
20 types of meetings that you discussed during your testimony, so
21 I'd like to go through a few of those. In terms of these staff
22 meetings that you've mentioned, how many staff meetings did you
23 participate in while you were working at the San Pablo store?

24 A Staff meetings as in, like, store -- everyone in the store
25 goes or supervisor levels?

1 Q Staff meetings --

2 A Staff meetings?

3 Q -- where everyone in the store goes.

4 A Roughly, at least two or three. I -- I can name two of
5 them: the holiday launch and then the "To Be A Partner"
6 meeting, and then that's -- that's all the ones I can remember.

7 Q And the holiday launch, when did it occur?

8 A That happens usually right before a holiday launch, so I'm
9 not sure if it's like end of October, early November.

10 Q And what year was that holiday launch staff meeting that
11 you attended?

12 A Well, we had one back in 2021, and then it's every year,
13 so I think I was a supervisor at the 2021 holiday lunch, and I
14 was assistant manager at the 2022 one, yeah.

15 Q And were those staff meetings mandatory?

16 A If you're on the schedule, yes.

17 Q And if you're not on the schedule?

18 A No.

19 Q And who attended those meetings?

20 A All partners from management to baristas.

21 Q So during that holiday launch meeting, do you remember
22 what was discussed during it?

23 A Which one exactly?

24 Q The holiday launch in 2021, let's start with that.

25 A Well, for sure, at holiday launch, our drinks are coming



1 out, every promotion that we have going on. Other than that,
2 I -- I can't remember.

3 Q And do you remember if anyone from management asked
4 employees if they had any concerns about the store?

5 A Not those exact words, but we did -- we do leave time at
6 the end for any discussions.

7 Q And can you remember exactly how that -- that discussion
8 time was left open?

9 A No.

10 Q And then, for the second holiday launch that you
11 participated in, can you remember what -- what was discussed
12 during that meeting?

13 A Same -- same as the last. We -- we have a discussion that
14 we go over the promotions, what's coming out, when the drinks
15 are coming out, and setting up the store for holiday, and
16 the -- that's it.

17 Q Okay, moving on to the shift supervisor huddles, how
18 frequently do (shift supervisor huddles occur at the San Pablo
19 store?

20 A Weekly or biweekly.

21 Q And as the assistant store manager, did you attend all of
22 the shift supervisor huddles?

23 A If I wasn't on time off, yes.

24 Q And were they mandatory for the shift supervisors?

25 A Yes, if scheduled.

1 Q And if they weren't scheduled?

2 A No.

3 Q And who attends those meetings?

4 A Managers, so Kris, I. Pete is invited to them, as well.
5 Sometimes he attends. Sometimes he doesn't. And then all
6 supervisors.

7 Q How frequently did Pete Schultze attend those meetings?

8 A Can't -- can't say an exact number because he has other
9 stores that have shift supervisor huddles and he has to go and
10 report to as well and support, share his time with every store,
11 but it was every once in a while, yeah.

12 Q And so you also mentioned that in your role as assistant
13 store manager you would have one-on-one check-ins --

14 A Yeah.

15 Q -- with employees. How often would those check-ins occur?

16 A Roughly, I mean, the part of development conversations,
17 those would happen once a quarter. Regular check-ins with
18 partners, there's -- there's no way to tell time. Sometimes
19 two or three partners come -- come up to you a day, sometimes
20 none. Just depends.

21 Q So is it fair to say that those are more informal
22 conversations?

23 A Can -- informal why?

24 Q Informal meaning that they weren't, like, scheduled? You
25 didn't in advance say that you'd be meeting one on one with a

1 specific employee? It was more natural informal.

2 A Yeah, natural. More natural.

3 Q Okay. And so in terms of those partner development
4 conversations that you just mentioned, how often did they occur
5 at the San Pablo store?

6 A Once every quarter.

7 Q Okay. And were they mandatory?

8 A Yes.

9 Q And what was the topic that would be discussed in those
10 partner development conversations?

11 A We'd go ahead and give out -- we talk about their
12 development. We give them a -- I'm having a brain fart right
13 now -- but we give them a partner development plan where they
14 start writing some goals that they want to achieve within the
15 quarter, and we kind of plan out how we could get them to where
16 they want to be.

17 Q And who would be in those meetings? Were they one on one?
18 Were there multiple partners in them?

19 A They were one on one. So it'll be either Kris, Kris, I
20 and the partner.

21 Q Okay, so potentially two people from management, and
22 then --

23 A Yeah, but

24 Q -- the partner?

25 A -- that's it.

1 Q Okay. And were these scheduled in advance?

2 A Yes.

3 Q How far in advance?

4 A Three weeks in advance.

5 Q So drawing your attention to that April 25th "To Be A
6 Partner" meeting, you had mentioned that partners had raised
7 some issues. Do you remember what issues they raised?

8 A I know there was a lot of concerns about safety at the
9 store, especially people who were opening and people who were
10 closing. They wanted proper lighting outside the door. We --
11 we weren't aware that one of the lights wasn't working, so we
12 went ahead and put some tickets for them to add additional
13 lighting and additional cameras.

14 Q And had management asked employees if they had any
15 concerns?

16 A At the meeting?

17 Q Yes.

18 A Yeah, we always leave room at the end, yeah, for them to
19 speak up.

20 Q Do you remember exactly what was said by management?

21 A No, I'm sorry.

22 Q And was management directed to leave time at the end of
23 the meeting for employee issues and concerns?

24 A On the discussion then?

25 Q Yes.

1 A No.

2 MS. MILLER-WALFISH: All right, so I only have one copy.
3 We haven't had a chance to make copies of this yet, but I'll
4 share you first, and I'll pass it around so everyone can have
5 an opportunity to review.

6 MR. GARBER: Is there some page you want us to take a look
7 at first?

8 MS. MILLER-WALFISH: Yeah, I think it's 448.

9 MR. GARBER: Okay.

10 MS. MILLER-WALFISH: Yeah, I'll just come around and make
11 sure --

12 MR. GARBER: Yeah, I --

13 MS. MILLER-WALFISH: -- you have -- if you find 440, let
14 me know, and I can confirm if that's the one.

15 MR. GARBER: Awesome.

16 MS. MILLER-WALFISH: Correct, yes.

17 JUDGE RINGLER: You know, this is something you're -- I'm
18 assuming you're going to offer it.

19 MS. MILLER-WALFISH: Yes.

20 JUDGE RINGLER: I think you should probably make some
21 copies of it.

22 MS. MILLER-WALFISH: Yeah, we were --

23 JUDGE RINGLER: Yeah, so why don't we just go off for just
24 a minute to -- to --

25 MS. MILLER-WALFISH: Okay.

1 JUDGE RINGLER: -- do that, yeah.

2 MS. MILLER-WALFISH: Sure.

3 (Off the record at 9:39 a.m.)

4 **RESUMED CROSS-EXAMINATION**

5 Q BY MS. MILLER-WALFISH: All right, Mr. Pena, I'd like to
6 draw your attention to page 9 of this document?

7 A Okay.

8 Q Go --

9 A All right.

10 Q -- ahead and take a -- a moment to read it.

11 JUDGE RINGLER: And I think the way I'd rather you do this
12 is I'd rather you lay a foundation to offer it, and then once
13 it's in, if you want to ask him specific questions --

14 MS. MILLER-WALFISH: Absolutely.

15 JUDGE RINGLER: -- briefly --

16 MS. MILLER-WALFISH: I'll do that.

17 JUDGE RINGLER: -- that'd be fine. Okay.

18 Q BY MS. MILLER-WALFISH: Mr. Pena, do you recognize this
19 document?

20 A Yes.

21 Q And what is this a document of?

22 A This is the discussion guide for the "To Be A Partner"
23 meeting.

24 Q And have you seen this document before?

25 A Yeah.



1 Q Okay. And when -- when did you see it?

2 A Probably -- the meeting was in April. Probably got rolled
3 out in March, and then probably I saw it, like, the day of the
4 meeting, yeah.

5 Q And is this a true and accurate depiction of the partner
6 guide that you saw at the time?

7 A Yeah.

8 Q Yeah, you can take a second to look over it if you'd like.

9 A Yes.

10 Q Okay, great. And have you read this document before?

11 A Yes.

12 MS. MILLER-WALFISH: Your Honor, I'd like to admit GC
13 Exhibit 12 into the record.

14 JUDGE RINGLER: Any objection to GC 12?

15 MR. ARCEO: Objection as to relevance, Your Honor, but not
16 (indiscernible, simultaneous speech).

17 JUDGE RINGLER: I'll -- I'll admit GC 12. Lot of
18 testimony about this meeting, so I think it is relevant.

19 **(General Counsel Exhibit Number 12 Received into Evidence)**

20 JUDGE RINGLER: All right, so 12 is in. Now, if there's a
21 specific portion you want to ask about, that's fine.

22 Q BY MS. MILLER-WALFISH: Mr. Pena, I'd like to draw your
23 attention to page 9. Have you had a chance to read page 9?

24 A Yeah.

25 Q Okay, great. And in the first paragraph of this

1 discussion guide on page 9, can you explain what you're reading
2 there?

3 A For whatever the discussion that told us to read, do you
4 want me to read it out?

5 MR. ARCEO: Objection, Your Honor. The document speaks
6 for itself.

7 Q BY MS. MILLER-WALFISH: Yeah, no need to -- no need to
8 read it out loud.

9 JUDGE RINGLER: So what is -- what is your question?

10 Q BY MS. MILLER-WALFISH: Were you -- did you read this and
11 were you told to say the -- the statements that were made in
12 that first paragraph?

13 A Yes.

14 Q And when partners raised issues, did anyone from
15 management offer any type of solution to the issues raised by
16 employees?

17 A Depends.

18 Q Can you explain what you mean by that?

19 A If the -- should we get fixed in the moment, yes. If it
20 didn't, then we'll have to circle back with the partners.

21 Q In that specific meeting, do you remember?

22 A No.

23 Q Is the San Pablo store a unionized facility?

24 A Is it a unionized facility?

25 Q Yes.

1 A No.

2 Q Did employees try to unionize the San Pablo store?

3 A Employees try to unionize?

4 Q Yes.

5 A Yes.

6 Q Do you remember when the Union election was?

7 A No.

8 Q Prior to the April 25th, To Be a Partner initiative, were
9 you aware of union organizing activities of the San Pablo -

10 MR. ARCEO: Objection, Your Honor. Scope.

11 JUDGE RINGLER: I'll permit it.

12 Q BY MS. MILLER-WALFISH: Were you aware of organizing
13 activities at the San Pablo store?

14 A Prior to the meeting? Yes.

15 Q And what were you aware of?

16 A Just a group text.

17 Q And what did the group text -- could you elaborate on what
18 you're referring to?

19 A There was a group text that some partners had where
20 there -- I can't recall exactly what was on there. I didn't --
21 I didn't look at the phone. I just know that there was a group
22 text about potentially unionizing the store and getting
23 together.

24 JUDGE RINGLER: So when, approximately, did you see this
25 group text or hear about it?

1 THE WITNESS: I don't remember it exactly.

2 JUDGE RINGLER: But it was before the To Be a Partner
3 meeting?

4 THE WITNESS: I do not remember that as well.

5 Q BY MS. MILLER-WALFISH: And are you aware of which
6 partners were in that group text?

7 A No. Other than the partner who showed us the group text.

8 Q Okay. And to confirm, who was that?

9 A That was Stephani Sanchez.

10 Q And prior to that April 25th To Be A Partner meeting, were
11 you aware of broader organizing activities at Starbucks stores
12 around the country?

13 MR. ARCEO: Objection, Your Honor. Scope.

14 JUDGE RINGLER: Let her finish her question first. One
15 more time on your question, because I think it got cut off.

16 MS. MILLER-WALFISH: Sure. My question was, prior to the
17 April 25th To Be A Partner meeting, were you aware of broader
18 organizational union organizing around the country at Starbucks
19 stores?

20 JUDGE RINGLER: I'll permit it. Go ahead.

21 THE WITNESS: Yes.

22 Q BY MS. MILLER-WALFISH: And what were you aware of.

23 A TikTok. TikTok, all I saw was pages on TikTok. I think
24 there was a Starbucks Workers United, if I'm not mistaken,
25 where they would make posts about it, and certain stores were

1 unionizing. And I mean, I can elaborate, but it's mainly just
2 stores unionizing and the process of it.

3 Q Okay. So you followed the Workers United TikTok. Were
4 there any other TikTok pages you remember seeing?

5 A Do not -- do not follow it.

6 Q Okay. Sorry.

7 A Yeah. Did not follow it.

8 Q You -- you saw the -- you saw the Workers United

9 A Yes. On my feed. Yes.

10 Q Were there any other pages that you saw on TikTok that you
11 remember?

12 A No.

13 Q Okay.

14 MS. MILLER-WALFISH: Those are all my questions, Your
15 Honor.

16 Thank you, Mr. Pena.

17 JUDGE RINGLER: Okay.

18 THE WITNESS: Of course. Thank you.

19 JUDGE RINGLER: Anything on redirect?

20 MR. ARCEO: No, Your Honor.

21 JUDGE RINGLER: Okay.

22 Thank you, sir. You're excused.

23 THE WITNESS: Thank you, Your Honor.

24 JUDGE RINGLER: Please do not discuss your testimony with
25 anyone.

1 THE WITNESS: I promise. Yeah. Thank you.

2 JUDGE RINGLER: All right. Yes.

3 THE WITNESS: You mean I can go home?

4 JUDGE RINGLER: I don't know if you're going home or
5 you're going to work, whatever -- whatever the next stop is.

6 MS. GOMEZ: You can't stay here.

7 THE WITNESS: Have a nice day, you guys.

8 JUDGE RINGLER: You as well, sir.

9 UNIDENTIFIED SPEAKER: (Indiscernible, simultaneous
10 speech).

11 JUDGE RINGLER: No, that's fine. We'll go off the record
12 for just a minute.

13 (Off the record at 9:51 a.m.)

14 JUDGE RINGLER: Okay. So does Respondent rest at this
15 juncture?

16 MR. GARBER: We do, Your Honor.

17 JUDGE RINGLER: All right. So Respondent rests. Okay.
18 So I know we have an open discovery issue. You're still in the
19 process of reviewing documents is my understanding; is that
20 correct?

21 MS. GOMEZ: Yes, Your Honor.

22 JUDGE RINGLER: So what do you think your timetable is to
23 complete your review of these documents?

24 MS. GOMEZ: So I was going to request two hours. We have
25 ended quite ahead of schedule, so I thought that would be

1 reasonable. And I do intend to call back Ms. Aycock and Mr.
2 Schultze back, so I thought that would also give Respondent
3 appropriate time to get back its witnesses so that they can be
4 brought back and testified. I don't anticipate that their
5 recross-examination would take too long. So I hope that we
6 would be able to end today.

7 JUDGE RINGLER: Okay. That doesn't sound like that's too
8 onerous. So it's 9:53. So why don't we reconvene at 11:45.
9 Everyone can get your lunches, whatever. Respondent will
10 have -- who do you want first?

11 MS. GOMEZ: We can call back Mr. Schultze.

12 JUDGE RINGLER: Okay.

13 MS. GOMEZ: Or whoever's easier -- most easily available I
14 would --

15 UNIDENTIFIED SPEAKER: We'll track them both down.

16 JUDGE RINGLER: Yeah. Yeah, try to have them both here at
17 that time --

18 UNIDENTIFIED SPEAKER: Yeah.

19 JUDGE RINGLER: -- because I'm anticipating -- how long do
20 you anticipate your examination of --

21 MS. GOMEZ: Maybe 20 minutes.

22 JUDGE RINGLER: Maybe 20 minutes each?

23 MS. GOMEZ: For each.

24 JUDGE RINGLER: Okay.

25 MS. GOMEZ: Yeah. For each.

1 JUDGE RINGLER: Okay. In that -- in that ballpark. Okay.
2 Okay. And you'll have all your --

3 MS. GOMEZ: Just because they're having to review dates --

4 JUDGE RINGLER: -- documents copied and then --

5 MS. GOMEZ: Yeah. So we'll have everything --

6 JUDGE RINGLER: -- the likelihood is we can close --

7 MS. GOMEZ: Yes.

8 JUDGE RINGLER: -- is what you're thinking?

9 MS. GOMEZ: Oh, yeah, yeah.

10 JUDGE RINGLER: Good. Good. Okay.

11 MR. ARCEO: Your Honor, can I ask do you want Pete -- I
12 mean, Juve back?

13 MS. GOMEZ: No, no, no. We won't be calling back Mr. --

14 MR. ARCEO: Okay. Just to let him know.

15 JUDGE RINGLER: Yeah. He seemed so excited to leave.

16 MS. GOMEZ: Don't want to ruin his big plans.

17 JUDGE RINGLER: So I would hate to break his heart. Poor
18 guy.

19 MS. GOMEZ: And I can also -- just to let you know, I also
20 do intend to call back my first witness for a very -- for
21 rebuttal purposes as well.

22 JUDGE RINGLER: Well, you're thinking about doing that if
23 I say it's okay.

24 MS. GOMEZ: Yes, yes.

25 JUDGE RINGLER: And I'm not -- I'm not --

1 MS. GOMEZ: Correct.

2 JUDGE RINGLER: -- certain I'm going to say it's okay.

3 So --

4 MS. GOMEZ: Oh, okay. Sure, sure, sure.

5 JUDGE RINGLER: -- the way it'll work is you'll rest.

6 MS. GOMEZ: Sure.

7 JUDGE RINGLER: And then you'll point out to me why his
8 rebuttal testimony was somehow --

9 MS. GOMEZ: Okay.

10 JUDGE RINGLER: -- unanticipated, which I was kind of
11 wondering how it would be, but --

12 MS. GOMEZ: Okay.

13 JUDGE RINGLER: -- you know, sometimes things surprise me.

14 MS. GOMEZ: Yes.

15 JUDGE RINGLER: Right? And then we'll -- we'll figure it
16 out from there.

17 MS. GOMEZ: Sounds good. Understood.

18 JUDGE RINGLER: Okay. So that'll be our order of
19 operations. I think that would be appropriate. Good. So
20 we're --

21 MS. GOMEZ: Wait, wait. And I'm sorry, there's
22 additional --

23 JUDGE RINGLER: Oh hold on. Before we go off the record.

24 MS. GOMEZ: -- subpoena issues. So again, we were
25 reviewing these documents last night, and so I emailed Mr.

1 Garber in the evening alerting him that there were still some
2 outstanding documents that were not included in the production.

3 JUDGE RINGLER: Uh-huh.

4 MS. GOMEZ: I have yet to receive a response for that. So
5 I --

6 MR. GARBER: Oh you got that last night.

7 MS. GOMEZ: Oh, it didn't --

8 MR. GARBER: It was late. It was like 9:00.

9 MS. GOMEZ: Oh.

10 MR. GARBER: The documents don't exist.

11 MS. GOMEZ: The documents don't exist?

12 MR. GARBER: Yeah.

13 JUDGE RINGLER: Okay.

14 MR. GARBER: Yeah.

15 JUDGE RINGLER: Okay.

16 MR. GARBER: I did it on my phone. Maybe I didn't hit
17 send, but it was, like, right before I went to bed. I go to
18 bed early (phonetic throughout).

19 MS. GOMEZ: So the COVID -- so there are no COVID logs for
20 the date. So that store does not keep COVID logs?

21 MR. GARBER: I don't know if they don't keep them or they
22 destroy them or -- I mean, it's over a year ago. I have no
23 idea. But they don't -- they don't exist as of when the search
24 was conducted. If this is -- I was thinking about this last
25 night. If this is regarding, like, when Pete was there, I'm

1 not going to raise that brief. But like, these statements
2 didn't happen because Pete wasn't there on that day. Because I
3 think it's a little in flux as to when --

4 MS. GOMEZ: Okay.

5 MR. GARBER: -- you're on a certain day.

6 MS. GOMEZ: And so there are also no documents reflecting
7 the organizational structure of that store?

8 MR. GARBER: No. Does not exist.

9 MS. GOMEZ: Let's talk -- because we asked for documents
10 protecting corporate organizational structure. There are no
11 documents that exist?

12 MR. GARBER: Nope. They do not exist. If there was,
13 like, something specific, I might be able to look it up. But
14 there's not, like, a document that says, like, these stores
15 report to this, like, DM or not this, like, these stores report
16 into this, into this, into this, like, you know, one of those
17 dolls. They just don't -- it doesn't exist. We did a search.

18 JUDGE RINGLER: Okay. I mean, you might, you know,
19 question that or doubt that or whatever, but he's representing,
20 and it doesn't exist. So I think that's where we're at on that
21 front.

22 MS. GOMEZ: Okay.

23 JUDGE RINGLER: And candidly, the hierarchy, all right, we
24 know barista, shift supervisor, assistant store manager, store
25 manager, right, district manager. I probably don't need to --

1 MS. GOMEZ: Sure.

2 JUDGE RINGLER: -- know much more than that, I think.

3 Right?

4 MS. GOMEZ: Okay.

5 MR. GARBER: So I guess I'll give him a call (phonetic
6 throughout).

7

8 JUDGE RINGLER: So all right. 11:45.

9 MR. GARBER: Okay.

10 JUDGE RINGLER: We'll return at that time. Thank you all.

11 MR. GARBER: Yeah, I'm going to call him right now.

12 JUDGE RINGLER: So we can go off.

13 (Off the record at 9:56 a.m.)

14 JUDGE RINGLER: Okay. So we're back on the record. GC is
15 recalling Ms. Aycock, and we've got her on the stand. So let's
16 go to it.

17 MS. GOMEZ: Hi, Ms. Aycock.

18 THE WITNESS: Hi.

19 MS. GOMEZ: I'm sorry to make you come back a second day.

20 THE WITNESS: It's okay.

21 JUDGE RINGLER: And I will remind you, you're still under
22 oath from yesterday. I'm not going to swear you in again.

23 THE WITNESS: Got it.

24 JUDGE RINGLER: You're still under oath.

25 Whereupon,



1 KRISTEN AYCOCK

2 having been previously sworn, was called as a witness herein
3 and was examined and testified as follows:

4 RECROSS-EXAMINATION

5 Q BY MS. GOMEZ: Okay. So we can just dive right in because
6 we've already heard your direct and so I'll just kind of orient
7 you to certain topics that we've already touched on. So
8 drawing your attention to the April 25th meeting, which is the
9 How To Be A Partner meeting that the store hosted last year
10 on -- in 2022. I'm going to share with you the document that
11 has been previously marked GC 14.

12 MS. GOMEZ: And so, for the record, this is a document
13 that was produced via the subpoena by Respondent's counsel.

14 JUDGE RINGLER: Okay. Thank you.

15 Q BY MS. GOMEZ: Do you recognize the contents of this
16 document, Ms. Aycock? I know that it's kind of blurry because
17 of the printing, but for instance it seems -- it seems like --
18 it seems like it's a meeting invite.

19 A Yes.

20 Q Right?

21 A It looks -- yeah, a placeholder for Pete to be there is
22 what I'm guessing this is.

23 Q Okay. And then because it's -- you're the organizer
24 that's listed there, right?

25 A Yes.

1 Q And that's the 25th of April 20 22nd (sic) and that's the
2 meeting invite for the --

3 A Yes.

4 Q Okay. Great. And then it seems like that's the agenda.
5 Are those the agenda items that are listed underneath there?
6 There's, like, four --

7 A Yes.

8 Q Okay. And the third item says, Howard's message.

9 A Yes.

10 Q Okay. What was Howard's message? Was that something that
11 was discussed during the meeting?

12 A There was a -- there was a video that we were supposed to
13 present.

14 Q Uh-huh.

15 A And we actually had some difficulty with the technology,
16 and we weren't able to -- we weren't able to share that because
17 we couldn't get the -- we couldn't get the -- the audio and the
18 video to connect and play off of Workplace.

19 Q Uh-huh.

20 A So we actually didn't go over the video.

21 Q Ah. Okay. Understood. But that's what it would have
22 been, Howard's message?

23 A But that's what it would have been.

24 Q Understood. Okay. Great.

25 MS. GOMEZ: I move to introduce GC 14.

1 JUDGE RINGLER: Any objection to GC 14?

2 MR. GARBER: No.

3 JUDGE RINGLER: All right. So we'll admit GC 14.

4 **(General Counsel Exhibit Number 14 Received into Evidence)**

5 MS. GOMEZ: Sorry. We have a lot of documents, so I do
6 apologize. Just give me one second. Yes. Okay. Great.

7 Q BY MS. GOMEZ: Okay. So we're still going to stay on that
8 April 25th meeting. So yesterday you indicated that at the end
9 of the meeting, there was time that was left for employees to
10 raise any issues that they had at the store, correct?

11 A There was time for partners to ask questions or give
12 feedback or voice concerns.

13 Q Okay. Were you directed to ask employees if they had any
14 issues or concerns or feedback at the store?

15 A No.

16 Q Yesterday you also indicated that prior to that meeting,
17 you had received materials in preparation from that meeting
18 from corporate, right?

19 A Yes.

20 Q Okay. You said that there was -- information was made
21 available online through the Facebook that the company has as
22 well as you received a packet of, like, physical items in
23 preparation for that?

24 A Correct. Workplace, yes.

25 Q Workplace, right. Okay. So I'm going to share GC 12,

1 which I believe everyone already has a copy of, but I don't
2 believe Ms. Aycock has a copy of that. So it's GC 12, and you
3 can just take a minute and go through that. And when you've
4 done -- when you're done looking through that, you can let me
5 know.

6 A Okay.

7 Q Okay, great. I gave you my copy, so I might -- I might be
8 sharing that with you, so just bear with me. But do you
9 recognize this document?

10 A I do.

11 Q Okay. And what is this document?

12 A This is the prep work or the discussion guide for the
13 meeting that we were having that evening.

14 Q Okay. And did you read this document prior to that
15 meeting?

16 A I did.

17 Q Okay. And I'd like to direct you to -- I believe it's the
18 page 9 in that document. And did you read this page too for
19 that meeting?

20 A I don't recall specifically, but I would have read the
21 entire packet beforehand.

22 Q Okay, good. That's -- that's all I ask. Thank you.

23 Okay. So it's my understanding that on May 3rd, Starbucks
24 announced a new series of benefits for its employees that it
25 planned to implement, and part of those new benefits was a pay

1 increase, correct?

2 A Correct.

3 Q Okay. And so it specifically -- the pay increase was that
4 the minimum wage was going to go up to \$15 an hour or a 3
5 percent increase, whichever was higher, right?

6 MR. GARBER: Objection. That's outside of the scope of
7 direct.

8 JUDGE RINGLER: Well, this is a witness that they're
9 recalling to deal with some of the discovery that they just got
10 through, so I'll allow it. Go ahead.

11 MR. GARBER: Okay.

12 MS. GOMEZ: Thank you, Your Honor.

13 Q BY MS. GOMEZ: Do you want me to restate it?

14 A Can you repeat it?

15 Q Yeah, yeah, sure. So the wage increase was that the
16 minimum was going to go up to \$15 an hour, or it would be a 3
17 percent increase, whichever was higher.

18 A Yes.

19 Q And there would also be a five percent increase for
20 employees who had two to five years' experience and a seven
21 percent increase for employees who had five or more years'
22 experience, correct?

23 A Yes.

24 Q Okay. And so after those new benefits were announced, did
25 you ever follow up with employees via email about those

1 benefits?

2 A Specifically about those benefits, I can't recall.

3 Q Okay. If I provide you something, maybe, could that
4 refresh your memory?

5 A (No audible response).

6 Q Okay. Great. I'm going to show you a set of documents
7 that have previously been marked GC 22.

8 MS. GOMEZ: And so this is how we received these
9 documents, your subpoena documents, Your Honor.

10 JUDGE RINGLER: Uh-huh.

11 Q BY MS. GOMEZ: And so ignore the first part that says,
12 redacted privileged or the first set of to/from. I'm looking
13 at the bottom one where it says -- is that your name at the
14 very top where it says, from? It says Kristen Aycock?

15 A Yes.

16 Q Okay. And then, the subject is, partner investment
17 updates, correct?

18 A Yes.

19 Q Okay. And there's a -- there's a to, and there's a lot of
20 email addresses, and do you recognize those email addresses?

21 A Yes.

22 Q And what are those email addresses? Who do they belong
23 to?

24 A Those are the partners at El Portal.

25 Q And that's the San Pablo store, correct?

1 A San Pablo, yes.

2 Q Okay. Great. So now I want to direct your attention to
3 page 2, and that's actually the body of your email. So you can
4 go ahead and just take a minute and read that to yourself if
5 you'd like.

6 A Uh-huh. Okay.

7 Q Okay. Great. And so does that refresh your memory? Did
8 you send this email on May 10th to the employees about the
9 upcoming benefits?

10 A Yes.

11 Q Okay. And I see there that in your email, you indicated
12 that there had been information posted in the back of the store
13 about those benefits. Do you remember what it is that you
14 posted in the back of the store about those benefits?

15 A Yes. It was the Starbucks provided timeline --

16 Q Uh-huh.

17 A -- of the benefits and the breakdown.

18 Q Uh-huh.

19 A And I believe it was just called, partner investment.

20 Q Okay. I'm going to show you now a document that has been
21 marked GC 21.

22 MS. GOMEZ: This is also part of the subpoena packet, Your
23 Honor.

24 JUDGE RINGLER: Are you offering 22?

25 MS. GOMEZ: I will in a moment. Just --

1 JUDGE RINGLER: Okay.

2 Q BY MS. GOMEZ: So you can go ahead and take a moment to
3 look through this set of documents, and once you've done so,
4 let me know about these.

5 A Okay.

6 Q Okay. And do you recognize these documents?

7 A I do.

8 Q And what are these documents?

9 A These are the frequently asked questions surrounding the
10 partner investment information.

11 Q Okay.

12 A And the partner investment information.

13 Q Okay. And so it seems like it's two different sets of
14 documents, right? So page 1 through 5 seem like one set of
15 documents, right? Those are the FAQs; is that right?

16 A Correct.

17 Q And then 6 is, like, a separate document, right?

18 A Yeah.

19 Q Okay. And are these the documents that you posted in the
20 back of the house?

21 A The page 6 is the one specifically that I was recalling
22 and --

23 Q Okay. And then how about pages 1 through 5. Did you ever
24 share these documents with employees after the wage increases
25 were announced?

1 A I can't be 100 percent sure.

2 Q But you yourself had seen these, right?

3 A I have seen these, yes.

4 Q Okay.

5 MS. GOMEZ: Your Honor, at this time, I move to introduce
6 both GC 22 and 21.

7 JUDGE RINGLER: Any objection?

8 MR. GARBER: I would object as to relevance. This is a
9 case about what was said. I don't see how it's relevant, this
10 partner FAQs about benefits that are upcoming or to be
11 implemented. And specifically, page 1 through 5, GC 21, the
12 witness testified that she doesn't recall if she provided them
13 to the partners.

14 JUDGE RINGLER: Okay. Noted for the record. I'm going to
15 admit 21 and 22.

16 **(General Counsel Exhibit Number 21-22 Received into Evidence)**

17 MS. GOMEZ: Thank you, Your Honor.

18 Q BY MS. GOMEZ: Ms. Aycock, when did you first learn about
19 any possible union activity at the San Pablo store?

20 A Whenever Stephani Sanchez, now Espinoza, approached me.

21 Q And that was to inform you about the group text that she
22 was aware of, correct?

23 A That she was involved in, yes.

24 Q That she was involved in. And can you remind us again,
25 what is that she told you was in that group text that she knew

1 about?

2 A She didn't say anything specific about what was in the
3 group chat.

4 Q Oh.

5 A She just said that partners were starting a group chat to
6 communicate about organizing.

7 Q Understood. And you don't know when that was, right?

8 A I don't.

9 Q Okay. But was that before or after the petition had been
10 filed?

11 A That would have been before.

12 Q Okay. And was that before or after the How to Be A
13 Partner meeting?

14 A I'm not sure.

15 Q Okay. Yesterday during your testimony, you indicated that
16 you never had any meetings with employees about unions or
17 unionization, but that there were times when you would answer
18 questions as they came about from employees, and you mentioned
19 that this only happened about three or four times, right?

20 A I did not plan any meetings with partners. I had
21 conversations with partners who had questions about either the
22 card that they had signed or about the information that they
23 had been told, and it was primarily during shift supervisor
24 meetings or if a partner had questions.

25 Q Okay. So after the petition was filed, did you ever



1 communicate to employees that you would be scheduling time with
2 them to discuss the impact that the petition could have on
3 employee benefits, including the new benefits that were
4 upcoming?

5 A No.

6 Q I am now going to share with everyone a set of documents
7 that has been previously marked GC 13. This was also part of
8 the subpoena. And so, Ms. Aycock, you can just go ahead and
9 take a moment to read that to yourself.

10 A Yes. I've read it.

11 Q Okay. Good. And did you write this email?

12 A I wrote this email, yes.

13 Q Okay. And so I see at the very top it says that this
14 email is from you, correct?

15 A Correct.

16 Q And then you sent this on June 20th of 2022?

17 A Yes.

18 Q And then the who -- the to line, Yahir Rodriguez. Who's
19 that?

20 A That's a partner at El Portal.

21 Q Okay. And then in this email, I want to direct your
22 attention to the third paragraph. I see that -- well, first of
23 all, in this email, you're informing employees that the -- a
24 petition has been filed, correct?

25 MR. GARBBER: Objection. The document speaks for itself.

1 JUDGE RINGLER: Overruled. You can answer.

2 THE WITNESS: This was -- yes, letting partners know about
3 the development in the process.

4 Q BY MS. GOMEZ: And in that third paragraph, is it also not
5 true that you also are communicating to employees that you have
6 set aside time to communicate with each of them about the
7 impact that the petition can have on pay and benefits?

8 Specifically the fourth line -- starting the fourth line down.

9 A Yes.

10 Q So in this email, you also attached a series of documents,
11 correct?

12 A Yes.

13 Q And it's the documents that are marked pages 2 through 7,
14 correct?

15 A Yes.

16 MS. GOMEZ: Your Honor, at this time, I move to introduce
17 GC Exhibit 13 into the record.

18 MR. GARBER: No objection.

19 JUDGE RINGLER: All right. We'll admit 13.

20 **(General Counsel Exhibit Number 13 Received into Evidence)**

21 Q BY MS. GOMEZ: And Ms. Aycock, did you send this email to
22 all employees who work at the El Portal store?

23 A Yes.

24 Q In the lead up to the San Pablo election, were you ever
25 provided talking points about what to discuss with partners

1 about the union?

2 MR. GARBER: Objection to the extent that it asks for
3 attorney-client privilege communication.

4 JUDGE RINGLER: Well, we're not asking to reveal the
5 talking points, just that they were provided. So I'll allow
6 you to answer the question. Go ahead.

7 THE WITNESS: We were provided guidance on what we were
8 permitted to discuss with partners.

9 Q BY MS. GOMEZ: And what was that guidance?

10 MR. GARBER: Objection.

11 JUDGE RINGLER: Okay. That I'll sustain.

12 MS. GOMEZ: Your Honor, may I? I would like to ask a
13 follow-up because I don't know who's provided the guidance.
14 She hasn't identified that.

15 JUDGE RINGLER: Sure. Okay. That's fair.

16 Q BY MS. GOMEZ: So who provided you guidance on what to say
17 about unions?

18 A Legal counsel.

19 Q Besides legal counsel, were you provided guidance on what
20 to tell -- talk to employees about regarding unions?

21 A No.

22 Q No? So Mr. Schultze never communicated to you anything
23 that you could raise with employees?

24 MR. GARBER: Objection. Asked and answered. I'll allow
25 it.

1 THE WITNESS: No.

2 Q BY MS. GOMEZ: How about -- do you know Guy, Polly?

3 MR. GARBER: Same objection.

4 JUDGE RINGLER: Well, why don't you ask a simpler
5 question. Did anyone besides legal counsel?

6 Q BY MS. GOMEZ: Did anyone besides counsel provide you
7 guidance on what you can and cannot communicate to employees
8 about unions?

9 A No.

10 Q So I'm now going to show you another set of documents, and
11 this is labeled GC 18. This is my original.

12 MS. GOMEZ: Here you go.

13 JUDGE RINGLER: Okay. Thank you.

14 Q BY MS. GOMEZ: So you can take a minute to look that over.

15 A I'm done.

16 Q Okay, great. Thank you. And did you send this email?

17 A Yes.

18 Q Okay. And who did you send this email to?

19 A It's sent to Michaela Brantingham.

20 Q And that's a partner at the San Pablo store, correct?

21 A She was.

22 Q Or was. Okay. And in this email, you're providing her
23 notice that the petition had been posted in the back of the
24 house, correct?

25 A Yes.

1 Q And in this email, is it also not true that you've also
2 let her know that you're going to set a set time for her to
3 talk about the petition and any issue she has about that?

4 A It states that I have time set aside if she has questions.

5 Q And did you send this email to all employees at the San
6 Pablo store?

7 A Yes.

8 Q And there is a series of attachments. Are these
9 attachments also the ones that you included in all of your
10 emails sent to employees?

11 A The same email would have gone out to every employee. So
12 notifying them about the petition, I also included the
13 petition.

14 Q Okay. And I see -- because I see here there's
15 attachments, right, at the very top? These are the
16 attachments?

17 A Um-hum.

18 Q And those are all the attachments that you included in
19 your email, correct?

20 A Correct.

21 Q And those are the attachments that are included in this
22 package, correct?

23 A Correct.

24 MS. GOMEZ: Your Honor, at this time, I'm going to
25 introduce GC-18 into the record?

1 MR. GARBER: No objection.

2 JUDGE RINGLER: All right. We'll admit 18.

3 **(General Counsel Exhibit Number 18 Received into Evidence)**

4 JUDGE RINGLER: I just have a question, and counsel,
5 maybe, can answer this. This document on page -- page 23, it
6 says nonresponsive family member?

7 MR. GARBER: Yeah.

8 JUDGE RINGLER: Does that belong in there?

9 MR. GARBER: What's that?

10 JUDGE RINGLER: Does that belong in there?

11 MR. GARBER: Yeah. What that refers to is that there was
12 something attached to this original email that is not
13 responsive to the subpoena itself.

14 JUDGE RINGLER: I understand.

15 MR. GARBER: So it's showing there -- there was --

16 JUDGE RINGLER: Perfect.

17 MR. GARBER: -- in fact in there, but I didn't --

18 JUDGE RINGLER: Thank you for explaining that.

19 MR. GARBER: Yeah.

20 JUDGE RINGLER: Okay.

21 MS. GOMEZ: And that's what I -- I understood that mean.

22 MR. GARBER: Yeah, yeah, yeah.

23 JUDGE RINGLER: Okay.

24 MS. GOMEZ: Yeah.

25 MR. GARBER: It's just to show that, like, there's not



1 something missing. That's all.

2 JUDGE RINGLER: Got it. Got it.

3 Q BY MS. GOMEZ: Okay. I'm now going to show you a set of
4 documents marked GC-19. This was also confused by the
5 subpoena with us. Judge, why does yours feel thicker?

6 JUDGE RINGLER: Okay.

7 MS. GOMEZ: And here you go, Ms. Aycock.

8 Q BY MS. GOMEZ: And do you recognize this set of documents?

9 MR. GARBER: I'd object to this. It's attorney-client
10 privilege and producing by mistake it looks like.

11 MS. GOMEZ: I would argue, Your Honor, that the privilege
12 has been broken as it has been Bates stamped, and produced, and
13 marked.

14 JUDGE RINGLER: I know, but the Federal rules have
15 provisions for clawback motions if e-discoveries inadvertently
16 produces attorney-client privilege material. So let me just
17 take a look at it.

18 Are there any parts of this that you're contending or not,
19 attorney-client privilege, or you're looking through for that
20 purpose now?

21 MR. GARBER: I'm looking through it all now.

22 JUDGE RINGLER: Okay.

23 MS. GOMEZ: And along those lines Your Honor, since in the
24 interest of time, I will provide you any other documents that I
25 also plan to show Ms. Aycock and I will --

1 JUDGE RINGLER: Okay. Thank you for that.

2 MS. GOMEZ: -- hold off on it (indiscernible, simultaneous
3 speech) --

4 JUDGE RINGLER: I mean, it looks --

5 MS. GOMEZ: (Indiscernible, simultaneous speech) you.

6 JUDGE RINGLER: Yes.

7 MS. GOMEZ: Again, also produced in response to the
8 subpoena.

9 JUDGE RINGLER: Got it. Got it.

10 MR. GARBER: But I would assert, Your Honor, that the
11 entire document was privileged. It was produced by mistake.
12 We -- we asked for it back.

13 JUDGE RINGLER: Yeah. No, I would -- I would tend to
14 agree with you. So I'm going to hand you back to GC-19. It
15 appears to be privileged.

16 **(General Counsel Exhibit Number 19 Rejected)**

17 MS. GOMEZ: There was two, because I provided 19 --

18 THE WITNESS: And 17.

19 MS. GOMEZ: -- and 17. Are you looking at that, as well,
20 right now?

21 JUDGE RINGLER: Oh, 17 is right up here. Thanks.

22 MR. GARBER: I'm sorry. Can I have that? If we're not
23 producing 19, if I could have that back?

24 JUDGE RINGLER: I handed my back. I don't it.

25 MR. GARBER: Oh, If I could have them back, yeah.



1 JUDGE RINGLER: Yes.

2 MS. GOMEZ: Yes.

3 MR. GARBER: Thank you. Here.

4 THE WITNESS: I do not have a copy of 17.

5 MS. GOMEZ: Well, before I even show it to you --

6 THE WITNESS: Okay. Okay.

7 MS. GOMEZ: -- we're deciding whether or not I can.

8 THE WITNESS: Okay.

9 MS. GOMEZ: So just give you one second.

10 MR. GARBER: Same objection, Your Honor. It's marked
11 privileged and confidential. It looks like it's sent out as
12 work product. Every page is marked.

13 JUDGE RINGLER: Um-hum. Um-hum. Yeah. No, I would -- I
14 would tend to agree. I think GC-17 also appears to be
15 privileged, as well. So I'm going to hand that back as --

16 **(General Counsel Exhibit Number 17 Rejected)**

17 MR. GARBER: Thank you.

18 JUDGE RINGLER: -- inadvertently produced as --

19 MR. GARBER: I apologize.

20 JUDGE RINGLER: -- part of the discovery.

21 MR. GARBER: Thank you.

22 Q BY MS. GOMEZ: All right. Now, I'm not going to show you
23 a set of documents that have been marked GC-16.

24 A Thank you.

25 Q I want you to go ahead and review these documents. You

1 still looking, or --

2 A So part of this is a duplication of something that's
3 already in exhibit from what I can tell, and I only recognize
4 half of this packet.

5 Q Oh, okay. Yeah. So that's what I wanted -- that's why
6 we're going through the packet. So if you can identify which
7 are the pages that you recognize?

8 A Starting on page 13 --

9 Q So you recognize page 13?

10 A 13 through 19.

11 Q Okay. But 1 through 12 you do not recognize?

12 A I don't.

13 Q Are you familiar with any of the contents on those pages,
14 even if you're not specifically familiar with that document
15 itself?

16 A It's information that I gleaned over the course of this
17 process.

18 Q Okay. And -- and what -- what information is that?

19 A Information surrounding the bargaining process, and the
20 status of the Buffalo negotiations.

21 Q And in looking at these, would you recall specific
22 information about those objects?

23 A No.

24 Q Okay. And is that information that you shared with
25 employees in your conversations regarding Unions?

1 A Not to my recollection.

2 Q So with respect to page 13, 14, 15, 16, 17, 18, 19, these
3 documents you do recognize. So let's start with 13. What's
4 page 13?

5 A It's part of the information that came out after the "to
6 be a partner meeting" that corresponded with the upcoming pay
7 changes.

8 Q And did you ever share this document with employees at the
9 San Pablo store?

10 A Yes.

11 MS. GOMEZ: Your Honor, I move to introduce GC -- GC--16,
12 page 13, since I'm going to have to parse this out.

13 JUDGE RINGLER: Okay. So page 13. Why don't you go
14 through the pages --

15 MS. GOMEZ: Sure.

16 JUDGE RINGLER: -- that are recognized, and then we'll
17 just deal with them in one shot.

18 MS. GOMEZ: Sounds good. I didn't know how to best do
19 that --

20 JUDGE RINGLER: Okay.

21 MS. GOMEZ: -- but that works.

22 Q BY MS. GOMEZ: Okay. So let's move to page 14. And it
23 seems like page 14 is actually a duplicate of one of the pages
24 we've already reviewed, correct?

25 A Correct.

1 Q Okay. So we can just skip that, because that's already in
2 there. And then 15, 16, 17, 18, 19 would also be a
3 duplicate --

4 A Correct.

5 Q -- of that that we've already identified, right?

6 A Correct.

7 MS. GOMEZ: Okay. So then, I guess, at this time I would
8 only offer to move page 13 of GC-16?

9 JUDGE RINGLER: Any objection to page 13 of GC-16?

10 MR. GARBER: No objection. I thought it was already --
11 I thought it was already in evidence, obviously. So no, just
12 no objection, if I could just have one moment to --

13 JUDGE RINGLER: Okay.

14 MR. GARBER: -- just get it together. So we're just -- so
15 I'm clear, it's just page 13, correct?

16 JUDGE RINGLER: Correct.

17 MS. GOMEZ: Correct.

18 JUDGE RINGLER: Only 13 is being offered and admitted.

19 MR. GARBER: Okay.

20 MS. GOMEZ: Unless you're willing to take 1 through 12.

21 MR. GARBER: Oh, why not?

22 MS. GOMEZ: Oh, really, Your Honor?

23 JUDGE RINGLER: I think he was kidding.

24 MR. GARBER: It won't read right on the transcript that.

25 MS. GOMEZ: I took a shot.

1 JUDGE RINGLER: So -- all right. So we're going to admit
2 page 13 of GC-16, and the rest of the pages are not admitted.

3 **(General Counsel Exhibit Number 16, page 13, is Received into**
4 **Evidence)**

5 Q BY MS. GOMEZ: And then the last thing I would say about
6 PG -- PG-13 (sic), page 13 --

7 JUDGE RINGLER: PG-13.

8 Q BY MS. GOMEZ: Page 13 -- page 13 is, you -- you just
9 indicated that you did share this with employees. So my
10 question is, when did you share it with employees?

11 A I can't be sure of the exact date, but these updates
12 typically come out on the Monday of each week. So I would
13 print them just like all of our other updates and post them.

14 Q You indicated that this came out around the time that the
15 new benefits were announced.

16 A Based on the fact that it says everything announced May
17 22nd, I would have to say that it was sometime shortly after
18 that.

19 Q Okay. That works. Thank you.

20 MS. GOMEZ: Those are all my questions for Ms. Aycock.
21 Thank you.

22 JUDGE RINGLER: Okay, perfect. Any more questions for
23 Respondent?

24 MR. GARBER: Yeah, just real quick. If I could have one
25 minute? But it'll be brief.

1 JUDGE RINGLER: Sure. Absolutely. Take two.

2 MR. GARBER: Okay, thanks. Actually, I'm ready.

3 JUDGE RINGLER: Okay, go ahead.

4 MR. GARBER: Sorry.

5 **REDIRECT EXAMINATION**

6 Q BY MR. GARBER: Hi Kris. Thanks, again, for coming back
7 today. We appreciate it. This will be very brief. Do you
8 still have GC Exhibit 13 in front of you?

9 A Yes.

10 Q Okay. There is a portion, let's see, one, two, third
11 paragraph down from the top on GC-13. It says, Over the next
12 few weeks I've set aside -- I -- I'm sorry.

13 "Over the next few weeks I've set aside time to
14 communicate with each partner."

15 Did you actually schedule time, or was this offering time
16 if they wanted it?

17 A Offering time.

18 Q Okay.

19 MS. GOMEZ: I would say that's leading, Your Honor.
20 Objection.

21 JUDGE RINGLER: I --I think it's consistent with the
22 earlier testimony that --from when you asked, so I'll allow it.

23 Q BY MR. GARBER: I'm done with that exhibit, Kris. So if
24 you could look at GC-18, now. Do you have that one in front of
25 you?

1 A Yes.

2 Q Okay. Second paragraph.

3 MS. GOMEZ: Give us one second, Noah.

4 MR. GARBER: Oh, yeah. Tell me when you got it.

5 MS. GOMEZ: Okay.

6 MR. GARBER: You got it?

7 THE WITNESS: Yes.

8 MR. GARBER: Leila, you got it?

9 MS. GOMEZ: Yes, thank you.

10 Q BY MR. GARBER: Okay. So it says,

11 "Please note, we will have time dedicated together.

12 If you have any questions or would like to discuss

13 this process."

14 Same question. Were you scheduling time with partners or
15 offering your time if they wanted?

16 A Offering time.

17 MR. GARBER: That's all the questions I had.

18 JUDGE RINGLER: Okay. Thank you very much. You're
19 excused. Once again, I think officially this is it. I think.

20 MR. ARCERO: Your Honor, should I get the next witness?

21 JUDGE RINGLER: Yes, please. Go off the record for just a
22 minute to get our next witness.

23 (Off the record at 12:26 p.m.)

24 JUDGE RINGLER: And I think we're back on. We've got Mr.
25 Schulz back, so I'm not going to swear you in again, but I'll

1 remind you, you're still under oath from yesterday.

2 THE WITNESS: Okay.

3 JUDGE RINGLER: All right. Counsel, go to it.

4 MS. GOMEZ: Thank you.

5 **RECROSS-EXAMINATION**

6 Q BY MS. GOMEZ: All right. Mr. Schultz, I'm sorry to have
7 to bring you back today, but I do appreciate it.

8 A Good morning.

9 Q Just bear with me. I hope we won't be too long.

10 JUDGE RINGLER: And thank you for coming back.

11 THE WITNESS: Yeah, no.

12 JUDGE RINGLER: I appreciate it.

13 THE WITNESS: The BART had air conditioning today.

14 JUDGE RINGLER: Good, there you go. So it worked out.

15 THE WITNESS: Much better than travels yesterday.

16 Q BY MS. GOMEZ: So we'll just go ahead and dive right into
17 certain topics that were already covered.

18 A Okay.

19 Q So it's my understanding that on May 3rd, Starbucks
20 announced new benefits, including a minimum wage increase. Is
21 that correct?

22 A They talked about a future benefits. I think that's
23 May -- May 3rd sounds about right.

24 Q Okay.

25 A First week of May.

1 Q And so its future benefits included a minimum wage
2 increase of \$15 an hour, or a three percent increase, whichever
3 was higher, correct?

4 A Correct.

5 Q Okay.

6 A It was a program to support a better living wage across
7 the country.

8 Q And in addition, there was also a five percent raise for
9 employees who had two to five experienced -- years of
10 experience, and a seven percent increase for employees with
11 five or more years' experience, correct?

12 A Yes, that was to -- in the past, we had problems when we
13 would raise the minimum wage with compression. So that was to
14 alleviate press -- compression so that tenured folks didn't --
15 didn't lose out on increases.

16 Q Okay. So I'm going to direct your attention. This is
17 already in the record, but so it's GC-13, page 7.

18 MS. GOMEZ: And I'm only going to show Mr. Schultze page
19 7.

20 JUDGE RINGLER: Yes. Just got to find it in just a
21 minute.

22 MS. GOMEZ: Sure.

23 JUDGE RINGLER: Okay. I'm there.

24 Q BY MS. GOMEZ: Once you've had an opportunity to review
25 that, just let me know?

- 1 A Okay.
- 2 Q Are you familiar with this document?
- 3 A I am not.
- 4 Q Oh, you've never seen this document?
- 5 A No.
- 6 Q Oh, okay. Well, then that's that. I'm not going to ask
- 7 you anything further --
- 8 A Okay.
- 9 Q -- if you've never seen this document. If I can just
- 10 take that back?
- 11 A Sure.
- 12 Q So after those benefits were announced, were you directed
- 13 to follow up with the stories in your district to inform them
- 14 of those benefits?
- 15 A Yes.
- 16 Q And who directed you?
- 17 A It was our human resource and advising counsel. No. No.
- 18 Those were -- I'm sorry. Let me reverse. Correction. They
- 19 came through our weekly updates in our partner hub.
- 20 Q Okay. And who creates those weekly updates?
- 21 A Those are created by Starbucks.
- 22 Q Okay. Is that corporate Starbucks?
- 23 A Yes.
- 24 Q Okay. And this weekly hub, what -- what's that?
- 25 A The hub that we have is -- it's a Starbucks online

1 infrastructure that basically has, like, all of our company
2 information. So it -- it holds a lot of our training material.
3 It has things of -- of -- like COVID. It had a page for us to
4 refer to COVID, if there is a COVID case, what would be the
5 steps to follow. It's just, like, our source of information
6 for --

7 Q Is this a digital platform?

8 A Yes.

9 Q So is this something you access online on the internet?

10 A Yes.

11 Q And is that just for Starbucks, or is the public also able
12 to access that?

13 A It is strictly for Starbucks.

14 Q So it's like an intranet that Starbucks has --

15 A Correct.

16 Q -- is that correct?

17 A Yeah.

18 Q Okay. I just want to be sure I understand when you're
19 saying that, what you're actually referring to.

20 A Sorry.

21 Q Oh, no problem. Okay. I'm going to share what's been
22 marked GC-24. This was also produced in response to the
23 subpoena. And if you can take a moment to review that.

24 A Do you want me to read the entire copy?

25 Q Well, I will be asking you about it. So I -- I would like

1 you to --

2 A Okay.

3 Q -- be familiar with its contents.

4 A Okay.

5 Q Okay, great.

6 A Sorry.

7 Q So starting on the first page --

8 A Um-hum.

9 Q -- at the very top, this says -- was -- was this from you
10 to you?

11 MR. LERNER: Objection. Document speaks for itself.

12 JUDGE RINGLER: I'll allow it. You can answer.

13 A Oh, the only thing I can think of is, sometimes when we
14 get email and it gets down to email line, it gets buried fast,
15 I will find it as I'm going back to make sure I haven't missed
16 any emails. And if I find something that I want to read later,
17 I'll send it to myself again just to move it to the top of my
18 email.

19 Q Got it. And so that's something that happened on May 4th?

20 A I'm -- I'm assuming, yes.

21 Q Okay, great. And so what you forwarded to yourself was
22 the communication that's below, right?

23 A I'm assuming --

24 Q Yeah.

25 A -- because it's not merged yet.

1 Q And -- and this is from North America Communications.
2 What's that?

3 A North American Communications would just be a message that
4 went out to anybody that is under the -- the two. So in this
5 case, it was all job roles and -- and our business partner.
6 Our PRMs would be our human resource people.

7 Q Okay. Well, let's start with the -- well, first of all.
8 North American Communications. So that's a -- that is a
9 Starbucks, a corporate Starbucks email account, correct?

10 A I believe so, yeah.

11 Q Okay. And so then the two is -- there's various other
12 what appear to be listservs, correct?

13 A Correct.

14 Q Okay. So the first one, ACCO odd job roles, no stores --

15 A Right.

16 Q -- U.S.

17 A So that would be all store -- all -- all communications,
18 not including stores.

19 Q Okay. And then the next one, DL U.S. business PRMs?

20 A That -- P -- PRMs would be our payroll, or our, excuse me,
21 our partner resource managers.

22 Q And what's a partner resource manager?

23 A Like an HR person.

24 Q Okay. And so is that all HR managers in the country?

25 A I -- I don't know.

- 1 Q Okay.
- 2 A I wouldn't -- it would be -- it would appear so, yes. I
- 3 don't know for sure.
- 4 Q Okay. And so then the next one is DLUS business PRDs?
- 5 A That's the same -- same kind of group. It's our regional
- 6 payroll. Our regional HR type people.
- 7 Q Regional.
- 8 A Yeah.
- 9 Q Okay. That --
- 10 A They're all --
- 11 Q -- have received their region?
- 12 A -- they're all one group. They're just some -- two
- 13 different.
- 14 Q Okay.
- 15 A I believe so.
- 16 Q And so which listserv are you a part of?
- 17 A I would be, probably, all roles no stores.
- 18 Q Okay. Because I see that your name isn't specifically
- 19 here. So I'm just trying to understand how it is that you
- 20 receive this communication?
- 21 A Right.
- 22 Q So you're part of that list. Understood.
- 23 A Right.
- 24 Q Okay. And so you received this on May 3rd, correct?
- 25 A Yes.

1 Q After you received this, did you forward this
2 communication to your store managers?

3 A I don't -- don't know.

4 Q So I'm going to turn your attention to page 4, then.

5 A Okay.

6 Q So at the very start --

7 MS. GOMEZ: And this is how this document was produced,
8 Your Honor.

9 JUDGE RINGLER: Um-hum.

10 MS. GOMEZ: So I don't have anything beyond what's
11 presented.

12 Q BY MS. GOMEZ: So at the top of page 4 --

13 A Uh-huh.

14 Q There is a message, obviously, he doesn't state who sent
15 this or who this message was sent to, but in the body of the
16 email it says, hi SMS, very important. Please ensure you're
17 executing all actions needed as listed below. Do you see that?

18 A Yes.

19 Q Okay. And then there's action items, and then it's the
20 email from pages 1 through 3 that's included below that
21 message. Do you see that?

22 A Okay. I don't know what it's --

23 Q It's all sequential.

24 A I see the header, but I don't see the -- is this the body
25 of it to follow or?

1 Q Yes.

2 A Okay. Just checking.

3 Q So if you're looking at page 4, there is a short message.
4 Do you see that?

5 A Yes.

6 Q And then it says, investment details and next steps. Do
7 you see that?

8 A Yes.

9 Q Okay. And then below that, it's your -- it's the email
10 that you forwarded yourself from pages 1, 2, and 3, right?

11 A Uh-huh.

12 Q And then that continues for the remainder of page 4, 5, 6,
13 and 7.

14 A Okay.

15 Q So my question to you is did you send this email to the
16 store managers in your district on May 6, 2022?

17 A I do not see a two on this, so I don't believe I did.

18 Q Well, do you recall sending any such email to the store
19 managers in your district after you received notice of the pay
20 increases?

21 A It's not something I would typically do if it was
22 addressed to me. I would -- I would have addressed them on the
23 managers need to know because they would have received that
24 information.

25 Q So you would never send any such email to your store

1 managers?

2 A Not intentionally, no.

3 Q Not intentionally, so you would never send them an
4 email -- so did you ever send them an email informing them
5 about the benefits then?

6 A I would have -- they -- we have two -- two communication
7 channels. One of our updates comes to our level. The other
8 updates go to our store manager level. So I would reference,
9 like, for example, they share that there's information coming
10 to the store manager level. I wouldn't -- I don't believe I
11 would have sent this intentionally because I wouldn't send
12 things that are not necessarily for the stores because they
13 will get the information. We just, sometimes will get a
14 preview to things that are going out in advance.

15 MS. GOMEZ: Your Honor, these documents were produced
16 pursuant to the subpoena.

17 JUDGE RINGLER: Uh-huh.

18 MS. GOMEZ: I feel that they have been sufficiently
19 authenticated, so I would move to introduce GC 24 in its
20 entirety into the record at this time.

21 JUDGE RINGLER: Any objection to GC 24?

22 MR. LERNER: Objection as to the 5/6 email as it's unclear
23 what it -- what it is, who sent it and because the subject
24 line -- the subject line says forward, so it's unclear if this
25 is the -- an email that was sent or this was an email that was

1 received and then said to be forward. I would object to
2 improper foundation.

3 MS. GOMEZ: Can I ask some additional questions, Your
4 Honor?

5 JUDGE RINGLER: Okay. Go ahead.

6 Q BY MS. GOMEZ: So Mr. Schultze, who would you have sent
7 this communication to if it's not the store managers?

8 MR. LERNER: Objection. Unclear that this specific
9 paragraph was sent.

10 JUDGE RINGLER: Please. I think in your objecting, you're
11 coaching the witness, not intentionally.

12 MS. GOMEZ: Thank you, Your Honor.

13 MR. LERNER: Withdrawn.

14 JUDGE RINGLER: Okay. So let me -- let me just cut to the
15 chase here. So on page 4 --

16 THE WITNESS: Uh-huh.

17 JUDGE RINGLER: -- the first question is May 6th of 2022
18 at 9:52 a.m. Now I know you're not sure who you sent this to,
19 but the precursor is is this your email?

20 THE WITNESS: I don't -- I don't remember sending this,
21 and I'm trying to look at it from how I would write it
22 perspective, and I don't know if it is or it isn't.

23 JUDGE RINGLER: So you're unsure?

24 THE WITNESS: Yeah.

25 JUDGE RINGLER: Okay.

1 THE WITNESS: I'm just, you know, being honest here.

2 JUDGE RINGLER: All right. So I'm going to allow it --
3 allow the entire exhibit in, GC 24.

4 **(General Counsel Exhibit Number 24 Received into Evidence)**

5 It is grouped together with his other emails. It's a question
6 of fact for me to find, you know, who sent this. I mean, does
7 Respondent have an explanation? All the other emails have the
8 from and the -- the to, and this one lacks that.

9 MR. LERNER: I just double checked the digital file.
10 That's how it appears.

11 JUDGE RINGLER: And that's how it appears --

12 MR. LERNER: Yeah.

13 JUDGE RINGLER: -- on the digital file. Okay.

14 MR. LERNER: I checked the previous webpage too.
15 Something got cut off. It got cut off. It just --

16 JUDGE RINGLER: Yeah. And I did as well. I looked at the
17 prior one.

18 MR. LERNER: That's how it was stored for whatever -- I
19 don't understand why either.

20 JUDGE RINGLER: Right. Right. No I -- I understand.
21 Okay. So I will allow that in, and I will have to make a
22 finding on that issue. So, okay. Carry on.

23 MS. GOMEZ: Thank you, Your Honor.

24 JUDGE RINGLER: Yes.

25 Q BY MS. GOMEZ: So did you follow up with the store

1 managers in your district about the benefits including the pay
2 increase?

3 A Yes, I would have.

4 Q Okay. So I'm now going to show you GC Exhibit 25. Oh,
5 I'm sorry. I don't have enough copies. I apologize.

6 MR. LERNER: It's okay.

7 MS. GOMEZ: Force of habit. Here you go.

8 UNIDENTIFIED SPEAKER: Okay. Thank you.

9 MS. GOMEZ: Here you go.

10 Q BY MS. GOMEZ: So why don't you go ahead and review that
11 document. Okay. So starting with page 1, the from, that's
12 your email address, correct?

13 A Yes.

14 Q Okay. And then this was sent on May 8th, 2022, correct?

15 A Yes.

16 Q And you sent this to a group of people. Who are the
17 people that you sent this to?

18 A This would be my --

19 Q Like, we'll start with Lucrensha Richerds-Hodges.

20 A Right. That would be --

21 Q 24525.

22 A -- that's a store manager.

23 Q For what store?

24 A For our Pinole Valley Store.

25 Q And is that in the district that you oversee?

1 A Yes it is.

2 Q And is that the same district as the San Pablo El Portal
3 store?

4 A Yes, it is.

5 Q Okay. And so --

6 JUDGE RINGLER: So Counsel, you may want to streamline it
7 because Ms. Aycock is listed there as well.

8 THE WITNESS: Yeah.

9 JUDGE RINGLER: Maybe one, two, three --

10 MS. GOMEZ: Thank you, Your Honor. You know, I actually
11 hadn't seen that so --

12 JUDGE RINGLER: Oh. Okay. Okay.

13 MS. GOMEZ: Thank you for -- thank you for directing me.
14 Okay.

15 Q BY MS. GOMEZ: So you -- so this was sent to the San Pablo
16 store, correct?

17 A It went out, yes.

18 Q Yes. And so this is a six-page email that you sent,
19 right?

20 A If it was all connected, yes.

21 Q Yes, this is.

22 A Okay.

23 Q Okay. And this is an email that you sent to the store
24 managers about the benefits, correct?

25 A I believe so, yes.

1 Q And starting on page 3 --

2 A Uh-huh.

3 Q -- you attach that email that you received from corporate
4 on page 2, correct?

5 A It appears so, yes.

6 Q Okay.

7 MS. GOMEZ: Your Honor, at this time I move to introduce
8 GC 25 into the record.

9 JUDGE RINGLER: All right. So we've clarified the first
10 point, and any objection to --

11 MR. LERNER: Object just to --

12 JUDGE RINGLER: -- 25?

13 MR. LERNER: Objection just as to relevance as this is not
14 a benefits case.

15 JUDGE RINGLER: So noted. I'm going to admit 25. I think
16 it connects up our issue with the date. So we'll admit that.
17 All right.

18 **(General Counsel Exhibit Number 25 Received into Evidence)**

19 Did you set us up with suspense, or did you know it was going
20 to go that way?

21 MS. GOMEZ: No. But it was entertaining.

22 JUDGE RINGLER: Okay. It was very dramatic.

23 MS. GOMEZ: Okay. Oh, here we go.

24 Q BY MS. GOMEZ: So when did you first learn about any
25 possible organizing activity at the San Pablo store?

1 A Again, I shared already that we had a shift supervisor
2 that approached Kris and I.

3 Q Okay. And when was that?

4 MR. LERNER: Objection. Asked and answered yesterday.

5 JUDGE RINGLER: Well, maybe after looking at these
6 documents, maybe something has changed. So I'll permit it. Go
7 ahead.

8 MS. GOMEZ: Thank you, Your Honor.

9 A I don't know specifically. I know it was sometime
10 probably in April.

11 Q BY MS. GOMEZ: Oh, you think it was in April?

12 A Well, I'm guessing at this point.

13 Q Well, I don't want you to guess, so --

14 A Okay.

15 Q -- I don't want you to do that.

16 A Okay. I don't remember when -- when they approached us.

17 Q You don't remember when. Okay. And then, you noted that
18 after you had the partner, How to Be a Partner Meeting in late
19 April --

20 A Uh-huh.

21 Q You had meetings with employees, correct?

22 A Correct.

23 Q And you testified yesterday that you weren't directed to
24 have those meetings, correct?

25 A No.

1 Q And those were meetings that you had on your own because
2 you noted that you were a new store manager, I mean, district
3 manager, and you were trying to get to know some of your new
4 partners, correct?

5 A Well, let me clarify. So we were asked to have partner
6 meetings with partners following meetings. But not specific to
7 this store. So there was -- it was part of the meeting was we
8 were -- was not in the original curriculum, but it was part of
9 our approach. I shared this with you, every time that we were
10 in stores, we meet with partners to try and get to know them as
11 I shared before, too, I was meeting them in these partner
12 meetings to try and meet partners, some of them for the first
13 time.

14 Q But it wasn't something directed at the San Pablo store,
15 correct?

16 A No.

17 MS. GOMEZ: Oh, this is my -- yeah. Okay.

18 Q BY MS. GOMEZ: Okay. I'm going to show a set of documents
19 that are going to be marked GC 23. So you can go ahead and
20 take a look at that set of documents, and let me know when
21 you're done.

22 MR. LERNER: Your Honor, we're -- also appears to be --

23 JUDGE RINGLER: Yes, go ahead.

24 MR. LERNER: -- incidental attorney-client privilege
25 protection.

1 MS. GOMEZ: And Your Honor, if I may? I would argue that
2 to the extent that there is a provision in there, that is
3 privilege, I am happy to exclude that. I would not contend
4 that the entire document is privilege.

5 JUDGE RINGLER: Okay. So --

6 MS. GOMEZ: And I would direct your attention
7 specifically, Your Honor, to the loss of -- to the initial
8 email --

9 JUDGE RINGLER: Well, why don't we go through the
10 different players on the email so I can know who exactly the
11 attorneys are and who the attorneys aren't?

12 MS. GOMEZ: Great. I'd be happy to do that.

13 Q BY MS. GOMEZ: So Mr. Schutze, let's start with the first,
14 the top of that page.

15 A Okay.

16 Q So Guy Polly, that's who this message is from. Who is
17 that?

18 A That would be our regional director.

19 Q Okay. And is Mr. Polly counsel for Starbucks?

20 A No.

21 Q Okay. And this message was sent to you, correct?

22 A Correct.

23 Q Okay. And so the title of the email is What is a Union
24 Card? No, the title of the email says, ASP El Portal Store
25 8851, correct?

1 JUDGE RINGLER: I'm sorry. I don't mean to stop you but I
2 want to be clear.

3 MS. GOMEZ: Gotcha.

4 JUDGE RINGLER: Is it Guy Polly or Polly Guy?

5 THE WITNESS: It's Polly Guy.

6 JUDGE RINGLER: Polly Guy.

7 THE WITNESS: And it's a female.

8 JUDGE RINGLER: Okay. Okay.

9 MS. GOMEZ: Oh, and it's a female.

10 JUDGE RINGLER: That's what I thought because it says,
11 thanks, Polly.

12 MS. GOMEZ: Thank you.

13 JUDGE RINGLER: Okay.

14 Q BY MS. GOMEZ: Okay. So then there is --

15 JUDGE RINGLER: Is Polly Guy an attorney?

16 THE WITNESS: No.

17 JUDGE RINGLER: No.

18 MR. GARBER: If I may, Your Honor, I can just shed some
19 light on the whole attorney thing.

20 JUDGE RINGLER: Yes, you could.

21 MR. GARBER: Talya Friedman, who is on the initial email,
22 is an attorney. She's in house at Starbucks. This is on
23 (audio interference). It's not the General Counsel's issue,
24 it's our issue. I fully admit that. I don't know what
25 happened.

1 JUDGE RINGLER: So one more time, Talya --

2 MR. GARBER: Talya Friedman. She's on this first -- the
3 cc line at the very top of the email.

4 JUDGE RINGLER: Uh-huh.

5 MR. GARBER: And then she's on the other communication
6 throughout. If this is about the last page of the email -- is
7 that what it's about?

8 MS. GOMEZ: No. Your Honor, if I may, I would dispute
9 what Mr. Garber's saying because if you see, there is a
10 communication at the very bottom that's from Ms. Polly, right?
11 And that is sent to someone named Leslie who says, thanks
12 Polly. Just so you know, we can only claim the privilege if an
13 email is -- if an email is attached. So the initial email --
14 do the initial email is actually not privilege. That was sent
15 to someone at Starbucks, and thereafter that email was
16 forwarded to an attorney. So I don't contend that the last --
17 that the initial is privileged, and for that matter it should
18 be admitted, and for that matter, it should have been produced,
19 which it was.

20 JUDGE RINGLER: Uh-huh. Uh-huh. Let me -- go ahead.

21 MR. GARBER: Can I just respond?

22 JUDGE RINGLER: I'll let you respond and then I'll rule on
23 it.

24 MR. GARBER: Talya Friedman is on every email here. She's
25 on the first email, she's on the cc line, she's on the from

1 line of the next email, the email that says, we can only
2 include -- or so that you know, we can only claim ACP if an
3 attorney is included in this email. I have added Talya. She's
4 on that one.

5 MS. GOMEZ: She's added Talya. Exactly. She's added the
6 lawyer because the lawyer was not included in the initial
7 email, Your Honor. What the copy that we've received is --

8 JUDGE RINGLER: Yeah. Let me -- let me take a look at it.

9 MS. GOMEZ: Sure.

10 JUDGE RINGLER: Just so I can get my thoughts together.

11 MR. GARBER: She's on both emails at the top.

12 JUDGE RINGLER: I -- I -- okay. Let me take a look at
13 what we have and then just so I can get a ballpark, how many
14 more exhibits do you think you --

15 MS. GOMEZ: This is the last one, Your Honor.

16 JUDGE RINGLER: this is the last one? Okay. Okay. All
17 right. Let me take a look here. All right. And you solely
18 want to offer on the May 11th at 8:25 a.m. Polly Guy wrote, is
19 that correct? That's what you're looking to offer?

20 MS. GOMEZ: Yes, Your Honor.

21 JUDGE RINGLER: Okay. And that part of it, Mr. Schultze,
22 you -- you were the to on that email?

23 THE WITNESS: Which one are you looking at, sir?

24 JUDGE RINGLER: I'm looking at the very bottom here. I
25 kind of put a line over here --

1 THE WITNESS: Page 1?

2 JUDGE RINGLER: -- on page 1. It says, on May 11th at
3 8:25 a.m. Polly Guy wrote, privilege and confidential, hi.
4 That was written to you?

5 THE WITNESS: I don't -- I'm trying to remember.

6 JUDGE RINGLER: See, it's not clear that he's the to in
7 this.

8 THE WITNESS: I don't think I ever got this.

9 JUDGE RINGLER: It says, I have given Pete direction. So
10 it almost seems like that was written to somebody else. I
11 mean, you're not contending it was written to him, or are you?
12 I don't know.

13 MS. GOMEZ: I am not contending it's written to him, but I
14 am contending that he was made aware of this email.

15 JUDGE RINGLER: Right. Right, right, right, right. I --
16 I --

17 MS. GOMEZ: And I would -- and I would be perfectly fine
18 omitting everything above May 11th, Your Honor.

19 JUDGE RINGLER: Okay.

20 MS. GOMEZ: And, but --

21 JUDGE RINGLER: I understand that. And I will allow it
22 in. So we're going to allow in everything above the May 11th.

23 **(General Counsel Exhibit Number 23 Received into Evidence)**

24 MS. GOMEZ: Thank you, Your Honor.

25 MR. GARBER: I'm sorry, everything above or below?



1 JUDGE RINGLER: Everything below. Thank you for
2 clarifying that. So I'm going to allow in on May 11th at 8:25
3 a.m., that's at the very bottom of page 1, Polly Guy wrote,
4 through page 3.

5 MR. GARBBER: The -- I if I may, Your Honor. For the
6 official copy in the transcript, can we redact the actual,
7 everything above it?

8 JUDGE RINGLER: Yes. I will direct our court reporter to
9 redact everything above that.

10 MR. GARBBER: Thank you.

11 JUDGE RINGLER: Yes.

12 THE WITNESS: But this is included here? I don't even
13 remember reading this.

14 MS. GOMEZ: I was going to ask you about that.

15 THE WITNESS: Yeah.

16 MS. GOMEZ: So if you just give me a second.

17 THE WITNESS: I'm sorry.

18 MS. GOMEZ: Okay. And Your Honor, I'm not even going to
19 ask Mr. Schultze questions. As long as the email is in there,
20 I am perfectly fine with it.

21 JUDGE RINGLER: Uh-huh. Yup. Yup. The email -- the
22 email is in.

23 MS. GOMEZ: Great. Thank you.

24 Q BY MS. GOMEZ: And so, last question I have for you Mr.
25 Schultze is the third page. Do you recognize that page?

1 A Yes, I do.

2 Q Okay. And what is this page?

3 A That was a -- a posting that we were given to put up for
4 partners to understand what the union card is because we had
5 received a couple of our partners that didn't understand what
6 they were, and Kris had shared that one of the partners wasn't
7 even versed in really reading English and was told that it
8 was -- that a union card was for more information. So we
9 asked --

10 MS. GOMEZ: Objection, Your Honor to the extent that he is
11 providing hearsay about an -- it's, like, double hearsay. It's
12 her side about what an employee said so I would strike that.

13 JUDGE RINGLER: I don't know if it's being offered for its
14 truth.

15 MS. GOMEZ: Okay.

16 JUDGE RINGLER: So it's -- I'll allow it.

17 THE WITNESS: Okay. And so just for clarification
18 purposes, this was put on the refrigerator so that folks could
19 understand what this was that was being distributed.

20 Q BY MS. GOMEZ: Okay. So this was posted at the back of
21 the house at the San Pablo store?

22 A Yes, it was.

23 Q And do you recall when this was posted in the back of the
24 house at the San Pablo store?

25 A Probably first part of May I would imagine? Whenever the

1 cards started to show up.

2 Q Okay. Thank you. Those are all my questions, Mr.
3 Schultze.

4 A Okay.

5 JUDGE RINGLER: All right. Anything on follow up?

6 MR. LERNER: No, Your Honor.

7 JUDGE RINGLER: You're squared away? Okay. Good deal.
8 All right. So once again, Mr. Schultze, thank you very much.
9 You are excused.

10 THE WITNESS: Okay. Thank you.

11 JUDGE RINGLER: I think this is your last -- well, not
12 your last ride this way on the bar, but your last one for the
13 hearing itself.

14 THE WITNESS: For a while.

15 JUDGE RINGLER: Right?

16 THE WITNESS: Thank you. I appreciate it.

17 JUDGE RINGLER: Okay. You're welcome. All right. So at
18 this point, the GC rests.

19 MS. GOMEZ: Yes, Your Honor. Thank you.

20 JUDGE RINGLER: Okay. Great. You are welcome. And I'm
21 assuming you rested prior to that examination, that you don't
22 have any further questions Respondent.

23 MR. GARBER: Correct.

24 JUDGE RINGLER: Okay. Good. Good. All right. So
25 squared away?

1 MS. GOMEZ: Yes.

2 JUDGE RINGLER: Good. Okay. No -- no further requests?

3 MS. GOMEZ: No, none.

4 JUDGE RINGLER: All right.

5 MS. GOMEZ: I'm done. Thank you for your time.

6 JUDGE RINGLER: Oh, no. Thank you all as well. Very nice
7 meeting everyone. So, all right. So the record is closed in
8 our hearing in our Starbucks open case is all set. I'm going
9 to set briefs due on September 18th. And we can close it up.
10 Thanks.

11

12 **(Whereupon, the hearing in the above-entitled matter was closed**
13 **at 1:02 p.m.)**

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C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 32, Case Numbers 32-CA-298607, 19-CA-305406 , Starbucks Corporation and Workers United A/W Service Employees International Union, held at the National Labor Relations Board, Region 32, Ronald V. Dellums Federal Building and Courthouse, 1301 Clay Street, Suite 1550-S, Oakland, California 94612-5224, on August 15, 2023, at 9:03 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



PETER PETTY

Official Reporter